

CHARLES MASON AND THE CIVIL WAR
THE STORY OF A JACKSONIAN
IN THE MID-NINETEENTH CENTURY

An abstract of a Thesis by
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The Civil War period was an era of intense political emotions when many traditional allegiances were severed or strengthened. Since Jacksonian Democrats had dominated the political stage in America for many of the years preceding the war, their reactions to the growing tensions and war itself become of interest in exploring the development of American political thought. This thesis examines these reactions as encountered in the personality of Charles Mason, a Jacksonian Democrat born in New York and later a resident of Iowa and Washington, D.C. Mason took a role in the Jacksonian movement in New York early in his life and for the rest of his career remained conspicuously active both in Iowa and in national Democratic politics.

The thesis examines the political activities of Mason as they developed during the Civil War period. Beginning with his earliest pro-Jacksonian political expressions as contributor, then editor, of the New York Evening Post, the paper traces the process by which Mason was driven during the Civil War to take positions not only inconsistent with Jacksonianism, but anomalous to Mason's prevalent political attitudes. Correspondingly, the sources of these anomalies are discussed and examined in this thesis.

Heavy emphasis is placed on the Mason Papers found in the Iowa State Historical Building in Des Moines, Iowa. Of these papers, especially important are Mason's diaries which give a fairly intimate view of the Democrat's intellectual development and activities during this period.

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Mark W. Schwiebert

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This paper examines the political philosophy and career of one of Iowa's more gifted and least sung early heroes.. Charles Mason, native of New York state and early Iowa pioneer, lived a long and active life in both Burlington, Iowa and Washington, D. C. Born in 1804, his lifetime spanned the crucial Jacksonian, Civil War, and Reconstruction Periods. As an intelligent and ambitious young man, Mason broke very early into the forum of national politics and never thereafter completely departed from it. Though never holding popular elective office, his counsel was nationally respected and his prominence as a leader of the state and national Democratic political organizations grew during the difficult Civil War period to a zenith in the early Reconstruction years.

But Mason's career was not merely political. Indeed, as a Democrat he would have been hard pressed to make a living through this enterprise during the Civil War years. Instead, he showed an occupational versatility that led him from teaching engineering at West Point, to serving as a managing editor for the staunchly Jacksonian New York Evening Post, to U.S. Patent Commissioner, to member of the patent law bar, finally to a highly successful career as an Iowa businessman. All of these phases of Mason's career are touched on in this work. However, excepting his tenure with the Evening Post and his term on the Supreme Court, none of these occupations is dealt with in any detail in this paper. The reasons for this are twofold. First, my purpose is to examine the political

perspectives, rather than the commercial activities of Mason. Since he had such a fruitful and varied political career, this alone provides ample material for a thesis. Were I to embark on a study of Mason's business enterprises, a major new direction would be undertaken which it is neither my purpose nor my desire to cover. Correspondingly since Mason's careers as editor and chief justice bore heavily on the political issues of his day, these activities deserve comment at least to the extent that this relationship existed. A second reason for this omission is that Mason's business career has already been ably and diligently studied by another author in a lengthy volume.¹

While realizing that the distinction between business and political careers is not always a clean one, the two areas of activity are at least separable into broadly discernable categories. Thus "political acts" for purposes of this paper are considered to be those acts motivated primarily by a desire to change or influence the course of events in the society around Mason. "Business activities" are those whose identifiable purpose was personal financial gain for Mason. Where private business interests touched on Mason's political conduct, this fact will at least be alluded to.

The paper then attempts to outline Mason's key "political activities" while at the same time scrutinizing his position on central state and national issues of the day. Because Mason had such an active and lengthy career, this limited study

¹Willard I. Toussaint, Biography of an Iowa Businessman: Charles Mason--1804-1882 (Ann Arbor: University Microfilms, 1973).

primarily focuses on three periods in his life: the pre-Civil War, Civil War, and post-war Reconstruction periods. This approach is taken for several reasons. In the first place, Mason's greatest national political influence fell during this period, and especially during the Reconstruction years between 1865 and 1870. Second, it was during this era that Mason's political thought reached maturity. While in New York writing for the Evening Post, he was still untouched by Western influence and still young enough to be in the process of formulating his basic political values. Third, and related to the second factor, Mason's career during the Civil War era found him a part of the often-ostracized Democratic organization. Much of Civil War history has been written from the vantage point of the Republicans who held power during this period. As one writer has recently observed:

Iowa's Copperheads (including Mason) have been under a cloud for almost a century because the histories of this era were written by the winners.¹

Correspondingly, one purpose for this paper is to examine a position somewhat neglected in the past and to do so from the vantage point of a Jacksonian living through the war years. Not only can this serve to integrate the Jacksonian and Civil War periods of American history, but hopefully this will lend a useful and more original insight into the

¹Robert Rutland, "The Copperheads of Iowa: A Re-Examination", Iowa Journal of History, LII, No. 1 (1954), 30.

crucial/Civil War years. At the same time, as will be seen, any unqualified defense of either Democrat or Republican conduct during the Civil War period would be improper since neither side acted with entirely "clean hands".

While the focus of the paper will be on Mason's political thinking during the Civil War era, the first chapter deals with Mason's intellectual and political development to 1853, when he went to Washington as Patent Commissioner. During these early formative years, many of the ideas that served as a basis for his later thinking first germinated. Hence the first chapter is intended to do more than "set the stage" for the subsequent discussion. It should also provide an intellectual context in which Mason's later ideas, and sometimes strong emotions, can be better understood.

Primary sources relied on extensively in preparing this thesis include various publications Mason authored, together with the extensive collection of his papers covering the period 1835-1882 which is in the custody of the Iowa State Historical Building in Des Moines. Because of the nature of the topic, special emphasis has been placed on Mason's detailed diaries, which shed useful and unique light on the political development of this gifted, astute, and complicated man. A variety of secondary sources were used to supplement the study, dealing with both Iowa and national developments during each of the key phases of American history in which Mason played an active part.

Finally, it is hoped that this thesis can generate new interest in one of Iowa's more talented pioneers.

A highly complex man, his political development from the Jacksonian period through the Reconstruction era provided an exciting and in some ways unique cross-section of American Democratic thought through much of the Nineteenth Century.

CHAPTER I

THE CAREER OF CHARLES MASON TO 1853

The eventful career of Charles Mason began on October 24, 1804 in Pompey, New York with his birth to Chauncey and Esther Dodge Mason. Mason's family on his father's side traced its roots back to Major John Mason, an early Connecticut colonist and Indian fighter who was commander of the Connecticut colonial militia.¹

Although from a well-established New England family, young Charles was not afflicted with the problems of wealth. His father had been left a penniless orphan early in life; and by the time of Charles' arrival, the plight of Chauncey, his wife, and their previous five children had not substantially improved.² Charles displayed a great initiative in making the most of his limited educational opportunities in Pompey. Thus after completing a cloth-making apprenticeship and exhausting the benefits available at the local academy, Mason sought further educational attainment through an appointment to the U. S. Military Academy at West Point, New York. Through the aid of a Mr. V. Bridger and a Mr. Litchfield, he received such an appointment from President

¹Obituary Notice of Charles Mason, Thirteenth Annual Reunion of the Graduates of the United States Military Academy at West Point, New York, June 2, 1882, pp. 79-82, in Archives of the U. S. Military Academy, West Point, New York.

²Willard I. Toussaint, Biography of an Iowa Businessman: Charles Mason--1804-1882 (Ann Arbor: University Microfilm, 1973), p. 1 ff.

Monroe in 1825.¹ Even at this early stage of his career, then, Mason was displaying a Calvinistic diligence and initiative which continued to manifest themselves throughout his career in both attitudes and actions towards his fellow man.

At West Point, Mason focused his energies on a course of study in civil engineering. The competition in Mason's class was keen: among his fellow cadets were Robert E. Lee, O. M. Mitchell (the astronomer), Joseph E. Johnston, Thomas A. Davis, and James Barnes.² Nonetheless, Charles distinguished himself by being one of the first group of cadets to receive appointment as professor's assistant after completing one year's study.³ He proceeded to graduate from the Academy in 1829 at the head of his class of forty six.⁴ Lee graduated second in the class, immediately behind Mason. Young Charles received no demerits during his entire four year career at the Academy and was later described by a classmate as appearing "to have little taste for mere amusements; he indulged in nothing that would hinder him in the pursuit of knowledge."⁵

¹Letter from V. Bridger to Litchfield of January 29, 1825 (U. S. Military Academy Cadet Application Papers, 1805-1866, Microcopy No. 688, Roll No. 37, File Number 74, located in microfilm in U.S.M.A. Archives, West Point, New York). Original documents in the National Archives and Records Service, (NARS) Washington, D. C.

²Obituary Notice, loc. cit.

³Ibid.

⁴Letter from Kenneth W. Rapp, Assistant Archivist U. S. Military Academy, to Mark Schwiebert of November 4, 1974.

⁵Obituary Notice, loc. cit.

This serious young man would, within the span of a very few years, distinguish himself in a number of the many career opportunities open to him on graduation from the academy in 1829.

His first undertaking was to become an assistant professor of engineering at West Point.¹ This position he held for two years, departing thereafter from the academy and military life in favor of the practice of law. After completing his reading for the bar, Mason opened a law office in Newburgh, New York in November of 1832. A center of radical politics where Tom Paine's Common Sense and religious non-conventionalism were in vogue,² Newburgh may have given Mason the radical Jacksonian notions he later championed from the editorial desk of the New York Evening Post. Mason worked for Judge William Hasbrouck, apparently one of the old Hasbrouck family which produced anti-aristocratic New York legislators as early as 1757,³ and which gave General Washington his Newburgh headquarters of 1782-1783. By 1834, the attraction of the big city seems to have laid hold of the enterprising young man, and he moved to New York City where he began practicing law in November, 1834.⁴

¹Letter from Charles Mason to Lieutenant G.S.K. Reeves, Adjutant, U.S. Military Academy, of December 6, 1847 (MSS in the Archives of the U.S. Military Academy, Association of Graduates Alumni File Number 541, West Point, New York).

²Writer's Project, New York: A Guide to the Empire State (New York: Oxford University Press, 1947), p. 127

³This legislator was Abraham Hasbrouck, chosen from Orange County, New York. (William Smith, Jr. The History of the Province of New York, II, Michael Kammen, ed. (Cambridge: Belknap-Harvard Press, 1972), p. 237.)

⁴Letter from Mason to Reeves, loc. cit.

In New York City, Mason began dabbling in politics by contributing periodic articles to the New York Evening Post. This paper was at the time a prominent radical Jacksonian sheet edited by William Cullen Bryant, the poet, and his fiery associate, William Leggett. Mason's contributions must have favorably impressed the newspaper's management for in December of 1835, he became the temporary managing editor of the Evening Post at a time when Bryant was abroad on a tour of Europe and Leggett, never very healthy, was too ill to carry on his usual responsibilities.¹ Mason held his editorial position for only five months after which time Bryant had returned from his foreign travels and was able to re-assume his old responsibilities. Although capable as an office manager, and able to write satisfactory periodic columns, Mason's success as a full-time editor was more limited. It seems Bryant was not terribly impressed with these efforts by Mason since he wrote to his wife that the newspaper had been "a sad dull thing during the winter (of 1835-1836)".²

Nonetheless, although Mason's literary style lacked the fire of Leggett's tempestuous journalism, he shared many of the political ideas of his editorial predecessor and, to judge from the editorial columns in the Evening Post from late December, 1835 to late March, 1836, he expressed these

¹Letter from Mason to Reeves, loc. cit.

²Charles H. Brown, William Cullen Bryant (New York: Charles Scribner's Sons, 1971), p. 239

convictions with courage and ability.

These columns and his other contributions to the newspaper give a good idea of the nature and level of his political thinking at a point fairly early in his career and prior to his exposure to the West. Accordingly, they provide a good starting point in studying the political and intellectual career of Mason, especially inasmuch as some of his early convictions stayed with him throughout the turbulent Civil War period.

Signing his pre-editorial contributions to the Evening Post, "A New Yorker",¹ Mason took anti-monopolistic stands as early as May of 1834.² However, not until mid-1835 did letters bearing his pseudonym begin appearing with some regularity in the newspaper. By this time, Mason can be found decrying the evils of too much government and declaring emphatically that "...laws are medicines to be used for disease--not administered in health."³ His adherence to the Lockean-Jeffersonian principle of man's natural freedom likewise appears in a letter written later in the year, with an invocation of divine will: "Democracy thus become the ally of religion--Freedom the handmaiden of faith--Happiness the offspring of reason."⁴

¹Ibid., p. 236

²Article signed "A New Yorker", Evening Post (New York), May 6, 1834.

³Ibid., August 12, 1835.

⁴Ibid., November 10, 1835.

Consistent with this love of individual freedom, Mason appears to have been very egalitarian in his early political thinking. Thus he criticized the method of selecting candidates by way of nominating committee rather than by popular election.¹ Likewise he wrote several scathing letters denouncing the "Native American Democratic Association",² a prototype of the Know-Nothing movement that several years later designated candidates to run on platforms antagonistic to the civil rights of recent immigrants. The crux of his argument in these letters was an attack on the idea that,

Privilege is (by the Native Association) made to depend on birth and accident, the most unreasonable of all the grounds upon which men have arrogated a superiority over their fellows.³

In this same connection, he also argued that "liberty is the natural right of all mankind, and the vital principle of liberty is equality."⁴ Thus he rejected the increasingly popular concept of the day that social liberty and equality were very different ideas. "Liberty" connoted the rights of men (basically the propertied classes) to determine their own political destinies; while "equality" meant dangerous power to the untutored masses. Mason's words of democratic fervour perhaps returned to haunt him in later years, when

¹Ibid., October 29 and November 2, 1835.

²Ibid. November 26 and 28 and December 4, 1835.

³Ibid., November 28, 1935

⁴Ibid., December 4, 1835.

he began to condemn the Black race to the role of an inferior species utterly undeserving of political protections, based on their "birth and accident".

Another focus of Mason's political expressions in the Evening Post was his dislike of private corporations. This dislike extended not only to private corporations for profit but also to corporations created for public improvements, though the latter he considered a necessary evil to be carefully regulated in the public interest.¹ Closely intertwined with his animosity for corporations was his positive loathing for the monopolies they spawned. Both corporations, broadly denominated, and monopolies were subjects of Mason's hostility because they created unfair advantages in certain persons at the expense of the general public.² For Mason, an example of such inequitable treatment was found in the state legislation absolving New York insurance companies of their debts and re-chartering them, after the disastrous New York City fire of 1835 threatened to generate enough claims to ruin them.³ Jacksonian proponent of free trade and limited government that he was, he applauded government regulation or even take-over where private enterprise could only be monopolistic: "What cannot be accomplished by the people themselves should never be removed but one degree from their immediate control."⁴

¹ Ibid., December 14, 1835

² Editorial, Evening Post (New York), February 20, 1836.

³ Ibid., January 13, 1836

⁴ Ibid., January 19, 1836.

This is not to say Mason opposed all corporations in all circumstances. On the contrary, he regularly championed the need for a general incorporation law, applicable equally to all associations seeking to incorporate.¹ What he opposed was incorporation by special legislative act since this so often favored the wealthy at the expense of the common man. So strong was this commitment that at one point he declared: "The principal object of this journal...is to procure equal and general legislation (regarding incorporation)."² This position later found expression in the general incorporation law written into the first Iowa State Code which Mason helped write.³ Mason viewed such general legislation as the first bulwark of the anti-monopolist's defenses against monopolistic tyranny.

In addition to his stands against monopolies and special incorporation laws, Mason propounded his views on a wide variety of other issues during his five month editorship. Many of his stands seemed quite orthodox for a staunch Jacksonian of 1836. Such, for example, were his repeated attacks on the evils of the National Bank and on those states--like Pennsylvania--which were chartering state banks with broad fiscal authority.⁴ Likewise his editorial attacks on the evils of tariffs, borrowed on the well-established

¹ Ibid., January 5, and February 9 and 13, 1836.

² Ibid., March 22, 1836.

³ See below, at page 30ff.

⁴ Ibid., February 20 and March 21, 1836.

Jacksonian theme of free trade.¹ But Mason also used his opportunity as editor to attack usury laws as unnecessary restraints on commercial intercourse,² to urge that Jackson's cherished patronage system be replaced with elections for available patronage posts,³ and to argue the wisdom of annual presidential elections.⁴ Mason's editorials condemned capital punishment as "legalized murder" and praised Governor Everett of Massachusetts for his proposal that such punishment be experimentally abolished.⁵ Ever a self-styled economist, Mason also editorially defended the equities of a direct tax, levied proportionately to the taxpayer's wealth⁶-- a sort of Nineteenth Century graduated income tax system.

The political personality that emerges from these editorial expressions is a complex one. Of course, the Jacksonian affinity for the common man is there, together with the defense of free trade and attacks on powerful banks and preferential incorporation laws. But in league with Mason's opposition to monopolies, we find in his editorials a rather paradoxical willingness to see government regulation in restraint of monopolies. The end purpose of economic

¹ Ibid., March 28, 1836. Regarding the Jacksonian position on tariffs, see Arthur M. Schlesinger, Jr., The Age of Jackson (Boston: Little, Brown and Co. 1946), pp. 422-423.

² Editorials, op. cit., of February 23 and 27, 1836.

³ Ibid., February 18, 1836.

⁴ Ibid., February 17, 1836.

⁵ Ibid., January 23, 1836.

⁶ Ibid., March 15, 1836.

equality of opportunity is the same, but the means to that end are quite different from the "market-place" method of regulation defended by other economic liberals. Likewise, Mason's opposition to usury laws doesn't quite harmonize with his usual support of the common man (frequently debtor) against the rich and powerful (generally creditor). Of course, this position may be explained by his usual opposition to government interference with commerce, as well as by the argument that sources for credit for the poor could only be secured if strict usury limits were not imposed on lending. What does seem clear is that Mason had strong democratic scruples and a deep faith in the merits of laissez faire economics by 1836. These convictions served him well in the rugged pioneer communities of Iowa which he was about to enter.

William Cullen Bryant, owner of the Evening Post, returned from Europe on March 26, 1836 and it seems that by May, 1836, young Mason had turned his eyes towards the West. Mason's westward longing appears to have been caused both by his impatience with Eastern life and by a conviction that the future of America lay in the West. It has been suggested that Mason was drawn to the Wisconsin Territory--which then included present-day Iowa-- by a vivid and enticing description of the region written by army lieutenant Albert M. Lea.¹ At least equally probably is the suggestion that Mason had simply grown weary of living in New York. In a journal he kept of his voyage west, he recorded that he was discontented with the

¹Toussaint, op. cit., pp. 4-5.

indifference, the bloated purses, and the proud ostentation of his fellow New York Citians.¹ As he headed west he alluded, with the charmed fascination of a Thoreau, to the beautiful ruggedness of the Northwest Territory. Of the Indians of norther Michigan, he almost enviously wrote: "if they experience no ecstatic enjoyment, they seem the victims of no corroding cares."² On the other hand, he displayed open disgust at the unscrupulousness of Chicago auctioneers and wild-eyed land speculators eagerly pursuing fast profits on land sales.³

Mason made a tour of northern Illinois in 1836 and journeyed to Wisconsin in November of that year where he became assistant to Judge David Irvine, the magistrate of the third judicial district of the Wisconsin Territory. When Irvine moved to Burlington, the temporary capital of the territory, Mason left Belmont in what is now Wisconsin and went with him.⁴ He purchased a large tract of land in the frontier community and established a residency there in 1837 which, with some extended interruptions during the mid-Nineteenth Century, served him as home for the rest of his life.

In August of 1837, Mason married Angelica Gear in Galena, Illinois.⁵ Angelica was a native of Massachusetts

¹ Charles Mason Papers (MSS in Iowa State Historical Building, Des Moines, Iowa), Journal Entry of July 11, 1836, vol. 46. Hereafter this collection is cited as the "Mason Papers".

² Ibid., August 10, 1836.

³ Ibid., August 15, 1836.

⁴ Toussaint, op. cit., p. 8.

⁵ Obituary Notice, loc. cit.

and had moved west in 1835 with her brother and sister. The marriage eventually produced three children, two of whom died as children and the third of whom grew to adulthood and married George Remey, later Rear Admiral in the United States Navy.¹ Angelica and Charles seem to have been quite happily married and despite long periods of separation due to Mason's business and political activities, the couple remained devoted to one another until Angelica's death in 1873.

One of the aspects of Western life that early caught Mason's eye and earned his praise was the informality of the Western judicial system.² Instead of the strictly applied technical rules of pleading followed in New York until 1848, the Westerners were tolerant in allowing parties to plead over or amend if some technicality had not been complied with allowing, as this did, the substance of a dispute to have priority over its form. The reasonableness of this approach impressed itself on Mason so strongly that by the time he was appointed to the Iowa Territorial Supreme Court in 1838, he was inclined to approach questions of pleading with a similar degree of tolerance.

Mason¹ advanced rapidly in territorial politics. In April, 1837, he became by appointment district attorney of Des Moines County wherein Burlington was located and in December of the same year, he was named aide-de-camp to Governor Henry Dodge of the Wisconsin Territory.³ By June

¹ Ibid.

² "Mason Papers", Journal, August 5, 1836, vol. 46.

³ Letter from Mason to Reeves of December 6, 1847, loc. cit.

of 1838, the Territory of Iowa had been separated from the older Wisconsin Territory. President Martin Van Buren thereupon appointed Mason Chief Justice of the new territorial Supreme Court. Doubtless Mason's distinguished academic record and past association with the Jacksonian Evening Post, coalesced with the paucity of able lawyers and a few well-placed political connections to help Mason secure this appointment. But the young Chief Justice (Mason was 34 years old in 1838) proved himself equal to the job and managed to secure re-appointment first by President Tyler, a Whig, in 1842, and finally by Democrat James Polk in 1846.¹

During Mason's term as Chief Justice between 1838 and 1847, the territorial high court was faced with a wide variety of legal problems for which Mason provided many of the judicial solutions. His opinions from the bench throw added light on the development of his political thinking. One such opinion was that given in the first recorded opinion of the Iowa Supreme Court, in the case of In re Ralph.²

In re Ralph involved a controversy between a Black man within the Territory of Iowa and a White Missourian named Montgomery who claimed to be his master. Montgomery had allowed Ralph to move north into Iowa on the understanding that Ralph would take a job there and use his earnings to buy his freedom. When Ralph failed to keep up his payments, Montgomery claimed the contract had been broken

¹ Ibid.

² 1 Morris 1 (Iowa, 1839)

and insisted Ralph return to slavery in Missouri. When Ralph refused, Montgomery asserted his claim under the Fugitive Slave Act and invoked the aid of Iowa officials in securing the return of his alleged slave. Ralph came before the district court of the third district on a writ of habeas corpus, claiming that both under the Northwest Ordinance of 1787 and the Missouri Compromise of 1820, he was a free man once he entered Iowa with the consent of his master. The case was transferred without hearing to the territorial Supreme Court of which Mason was then Chief Justice.

The rather brief opinion of Mason in the Ralph case is interesting for several reasons. First, the similarity of the facts of this case to those of the famous Dred Scott decision of 1856,¹ make Mason's opinion a possible alternative route to the ill-fated path chosen by Chief Justice Taney in the controversial United States Supreme Court case.² The interest of this point is heightened by the fact that both Taney and Mason were staunch Jacksonians. Second, the Ralph case reflects a belief shared by Mason that the law must work to represent a larger social will by a broader, more responsive construction. The case came before the

¹Scott v. Sandford, 60 U.S. (19 How.) 393 (1856).

²However, it should be noted that Mason added in dicta in the Ralph case that one might be a "fugitive slave" within the meaning of that term in the Fugitive Slave Act if he entered a free state with his master and then refused to return to slave territory upon his master's demand--the precise fact situation in the Dred Scott case. This dictum suggest that given a set of facts like that confronting Chief Justice Taney in the famous 1856 case, Mason might have chosen the same dangerous course trod by Taney.

court without going through the usual processes of trial and appeal. Such original review by an appellate court in a habeas corpus case was not procedurally regular. Nonetheless, Mason's support of informal frontier jurisprudence encouraged him to act irrespective of the technical rules of procedure. What is more, he suggested that "a public excitement might be stirred" were the case not promptly considered by the Supreme Court.¹ The slavery issue had already warmed up throughout the country and this case, with its clear reference to the controversial Fugitive Slave Law and Missouri Compromise, promised to provoke latent tensions to dangerous life.

Of course the most compelling point of interest regarding the Ralph case is Mason's decision on the substantive issues of the dispute. Here Mason quite simply and directly concluded that inasmuch as the Missouri Compromise had abolished slavery north of the 36° 30' parallel, if a slave moved north of that line with the consent of his master and with his master intending that he should so move as a freeman, he thereafter would be a freeman and could not be re-claimed by his master under the Fugitive Slave Law. Ralph was therefore a free person as long as he stayed "under the protection of our (Iowa's) laws."² At the same time, Mason reasoned that if a slave was brought

¹1 Morris L, op. cit. p. 6

²Ibid., p. 10

north as a slave, he remained a slave and could be reclaimed if he escaped under the fugitive law provisions. This raises the interesting question of why a slave conditionally released by his master in free territory should thereby be considered free; since his release was solely based on provision of a contract condition--hardly more of "release" than existed when a master brought his slave north on the tacit condition he should not be freed until the master approved of it. Mason indicated a partial response to this question by suggesting that a contract whose remedy involved depriving a human of his liberty could not be given the court's sanction. Mason did not elaborate on how a contract creating slavery could ever be enforced, a conclusion the court's opinion implies would still be possible after Ralph. What is more, the underlying concept of treating human beings as chattels was not repudiated in In re Ralph.

Another important aspect of the substantive ruling of the Ralph case was Mason's holding that all men, slave or free, Black or White, have equal access to the law's protection.¹ Not only does this conflict with Roger Taney's Dred Scott ruling that held Blacks were mere chattels of their masters; but it intimated a sympathy for the Blacks as fellow human beings. This would seem to be the logical upshot of Mason's egalitarian editorials for the Evening Post. Yet subsequent utterances by Mason before, during, and after the Civil War convey a very different impression of his feeling towards

¹ Ibid., pp. 9-10.

the Negro race.

In summary, Mason's opinion in the Ralph case displayed a distaste for judicial formalism, a willingness to make the law responsive to present social needs, a sympathy for human liberty that transcended contract rights,¹ and a partiality toward brevity of judicial expression. The opinion also raises some difficult and unanswered questions. In his subsequent Supreme Court opinions, Mason continued to favor such judicial brevity and non-formalism as were evident in In re Ralph. But his regard for property rights and contempt for the Negro race became more pronounced over the following three decades in his non-judicial activities.

During the nine years following the Ralph decision, the rustic lawyers of Iowa frequently availed themselves of the Chief Justice's tolerance for technical imperfections. In various cases, he held that the failure to use the proper technical form in pleading was not fatal to a claim,² that an improper jury verdict could be amended by the court to suit the claim,³ and that mis-naming venue was not such an error as to be fatal to a judgment.⁴ On the other hand,

¹ Mason's recognition of human liberty as superior to contract rights may seem, to many mid-Twentieth Century minds little more than the obvious. Yet in Mason's time, this conclusion was by no means foregone. For at this time, the American judiciary was still under the influence of Marshall's doctrine of contract sanctity articulated in the Dartmouth College case (Dartmouth College v. Woodward, 17 U.S. (4 Wheat.) 518 (1819)) and Fletcher v. Peck, 10 U.S. (6 Cranch) 87 (1810).

² Levy v. McCraney, 1 Morris 124 (Iowa, 1841)

³ Gordon and Washburn v. Higsley, 1 Morris 18 (Iowa, 1839).

⁴ Holmes v. Wright, 1 Morris 136 (Iowa, 1841).

members of the early Iowa bar could not be too lax in their observance of procedural rules or they would find their cases dismissed or with judgment entered against them by Judge Mason. Thus Mason ruled that it was necessary to specifically plead the statute of limitations if it was to be relied on as a defense to a claim,¹ that substituted service of process requirements of statutes were to be strictly construed,² that a misnaming of parties could be a fatal variance,³ and that certain technical improprieties could be fatal to a plaintiff's claim. In this area, by and large, Mason seemed to grow less tolerant of technical discrepancies as his experience on the court lengthened. This may be in part due to a growing belief that the members of the bar should know the law by the second or third time a principle was articulated. It may also reflect a growing impatience with those less experienced in the law as Mason himself grew correspondingly more experienced.

Mason's sympathy with the rights of property owners or creditors is also detectable in his judicial opinions during his nine years on the bench. Given his extensive investments in Iowa realty dating from his earliest days in the state, this bias may be understandable if nonetheless out of place. In one case, Marshall et al v. Bush,⁴ Mason

¹Sleeth v. Murphy, 1 Morris 422 (Iowa, 1844).

²Romain v. Board of Commissioners of Muscatine County, 1 Morris 470 (Iowa, 1844).

³Donnel v. U. S., 1 Morris 189 (Iowa, 1843); Musgrave v. Brady et al, 1 Morris 600 (Iowa, 1845).

⁴Marshall et al v. Bush, 1 Morris 362 (Iowa, 1844).

upheld the right of a purchase money mortgagee (a seller of property taking a mortgage from the buyer) as against the buyer asserting a second, rival, and clean title from the federal government as bar to foreclosure on the mortgage. In another case, he ruled that 50% interest on a note was not usurious when the interest was to be charged only after the due date specified in the note had passed.¹ In still a third case, he protected the right of an owner of land to recover for trespass as against one removing timber therefrom when the land was marked off but not enclosed by a fence.² In the half-breed land cases, Mason did more than reflect a bias for property owners: he committed the judicial impropriety of sitting in judgment in a case in whose outcome he, or at least a relative of his, had an interest.

The half-breed dispute involved rival claims to the same land. One set of claims was traceable from half-breed Sac and Fox Indians given title in fee to the land by act of Congress in 1834³. The other claims arose from those of squatters or other occupants not given land rights under the somewhat ambiguous act of 1834. Mason's Sister-in-law, Sophia Gear Farrar, claimed an interest in certain of these lands through her husband, who had earlier been married to an Indian, and whose surviving children claimed property rights

¹Wight v. Shuck, 1 Morris 560 (Iowa, 1845).

²Hughell v. Wilson, 1 Morris 505 (Iowa, 1845).

³Toussaint, op. cit., p. 44

under the 1824 and 1834 acts giving the property to half-breeds. As Mrs. Farrar's attorney,¹ Mason had earlier filed a claim on behalf of his sister-in-law and her half-breed ward, the surviving daughter of Mr. Farrar and his first wife. Thereafter Mason had been appointed a territorial judge. Despite a clear disqualifying interest in the case, Mason went ahead and played a central judicial role in the emerging land controversy.

By the late-1830's, procedures were underway for the partition of the contested land between the rival claimants. In the spring of 1841, Judge Mason entered a partition decree in the controversy based on an agreement reached between the rival claimants.² Thereafter, a controversy developed regarding the parties whose claims had been admitted by the court, with certain unadmitted parties alleging that they had received insufficient notice of the partition action.³ The fact Mason had admitted the claims of his sister-in-law stirred added charges of judicial unfairness.⁴ Such charges would seem to have been well-founded, since Mason clearly was not the disinterested party a judge should be. But such ethical niceties as this had rough going in early American juris-

¹ Ibid., p. 54.

² Ibid., pp. 50-51.

³ Ibid., p. 53.

⁴ Ibid., pp. 54-55.

prudence on more than this occasion.¹

Mason had a subsequent contact as judge with the controversy in the mid-1840's when he ordered that the entire half-breed tract (19,000 acres) be sold at public auction to pay the fees of territorial commissioners appointed to settle land disputes in 1838.² Complaints over defective notice of the sale by disgruntled claimants led to the 1846 case of Webster v. Reid,³ in which Mason wrote the opinion. The sheriff's sale was subsequently set aside by the United States Supreme Court in a decision reversing the territorial high court ruling.⁴

Another notable trend in the opinions written by Chief Justice Mason was his concern for the rights of the criminally accused. He held in one case that criminal offenses with which a person is charged must be clearly set forth in an indictment and cannot arise merely from inference.⁵ On another occasion he declared that an offense to which one

¹The historic case of Marbury v. Madison (5 U.S. (1 Cranch) 137 (1803)), presents a similar instance of a judge, there John Marshall, writing an opinion in an important case, the facts of which had previously involved the judge in a disqualifying manner. It was Marshall's dilatory conduct as Adam's Secretary of State that had prevented Marbury from getting his official commission before Jefferson became president. Thus Marbury's suit for a writ of mandamus against Secretary of State James Madison stemmed from Marshall's own conduct. (Albert J. Beveridge, The Life of John Marshall, III (Boston: Houghton Mifflin Co., 1919), pp. 124-125.)

²Toussaint, op. cit. p. 48

³1 Morris 615 (Iowa, 1846).

⁴Toussaint, op. cit., p. 48

⁵U.S. v. Dickey, 1 Morris 544 (Iowa, 1845).

pleads guilty must be specific as well as supported by evidence.¹ Perhaps these opinion reflect Mason's continuing concern for the rights of the common man whom historical circumstance tends to throw in the path of criminal law more frequently than the wealthy. On the other hand, they may simply display Mason's concern for civil liberties in a time when ad hoc justice was still often the order of the day.

These Supreme Court opinions, then, show Mason to have been a man fluent in the law who managed tolerably well with a wide variety of legal challenges. They also indicate an intellectual broad-mindedness that was flexible and receptive to the forces of change in both substantive and procedural law areas. At the same time his opinions reveal Mason's sensitivity to the protection of private property rights, sometimes in such a way as to warrant charges of improper judicial bias.

By the time Mason resigned from the court in May of 1847, he had established a solid state-wide reputation as an able lawyer. Thus he was quickly turned to by the new Iowa State legislature when it sought to draft the first code of Iowa. By act of the legislature on January 25, 1848,² Mason was appointed one of three commissioners delegated with the responsibility of preparing "a complete and perfect code of laws, as nearly as may be, of a general nature only, and furnish a complete index to the same when completed."³

¹ McCauley v. U.S., 1 Morris 641 (Iowa, 1846).

² "Part of an Act: to Provide for the Appointing of Commissioners to Draft, Revise, and Arrange a Code of Iowa". in 1851 Code of Iowa, p. 470.

³ Ibid.

Mason's two fellow law-writers were William G. Woodward of Muscatine County and Stephen Hempstead of Dubuque County.

The body of laws compiled by this committee became the 1851 Code of Iowa. This code bears the unmistakable impress of former Chief Justice Mason's legal and social biases and provides further insight into Mason's political inclinations of 1850.

A first subject of note was the code's progressive abolition of all technical forms of action and pleadings.¹ As mentioned earlier, a hallmark of Mason's pronouncements from the supreme bench of Iowa had been his penchant for procedural informality and dislike of deciding cases based on pleading technicalities. The code's position not only conformed to the practical necessities of rustic frontier legal practice, but also reflected a growing movement begun in New York State with the Field Code of Civil Procedure of 1848.² This code replaced old and complex English pleading rules with streamlined guidelines that dispensed with many of the harsh earlier distinctions drawn between law and equity.³ The purpose was to focus judicial attention on the merits rather than form of the dispute. So likewise was it with the 1851 Iowa code, and perhaps to an even greater extent. For in the Iowa code,

¹1851 Code of Iowa sec. 1733.

²Fleming James, Jr., Civil Procedure (Boston: Little, Brown and Co., 1965), p. 16.

³Ibid., p. 17

one adequately pleaded his cause of action when the pleading "to common understanding conveys a reasonable certainty of meaning" and "when by a fair and natural construction the pleading show (sic) a substantial cause of action or defense."¹ An enlightened and progressive position for the times. The procedures prescribed by the code for such other matters as a writ of Habeas Corpus likewise displayed this dislike of rigid technical forms.²

A second aspect of Mason's apparent impress on the 1851 code came with the relatively high degree of sympathy for women's rights evident in the code. In later years as patent commissioner, Mason would have the distinction of heading the first federal government department to employ women in office clerical positions.³ This decision would be based on the still novel premise that if a woman could do a job as well as a man, the woman should be given equal access to the job. In the 1851 Code, progressive provisions were made for the rights of married women to own personal property separately⁴ and to contract on their own behalf in relation to this separate property.⁵ Since at this time

¹1851 Code of Iowa sec. 1734.

²Ibid., sec. 2234.

³See below, at page

⁴1851 Code of Iowa, Sections 1448, 1450.

⁵Ibid., sec. 1454.

in many states, the property of married women, including their verybodies,¹ was considered the property of their husbands; the advanced state of the earliest Iowa state code on this point may be readily appreciated. The code went on to provide that neither husband nor wife was subject to the debts of the other,² provided such debts involved the separate property of each spouse. Again, an advanced notion for the times.

As has been documented elsewhere,³ Mason was an entrepreneur as well as a lawyer. The Code of 1851 correspondingly shows a high degree of sympathy for business enterprises, both as to their formation and as to their operation. Mason's fifteen year old campaign for a general incorporation law came to fruition in the 1851 code, which allowed businessmen to secure the limited liability advantages of corporate status upon filing articles of incorporation with the county recorder of deeds and newspaper publication of notice of incorporation.⁴ After this had been done, the corporation could begin carrying on business in Iowa. Thus the code afforded a clear invitation to businessmen to organize and do business in Iowa. Judged in light of Mason's own growing business interests in Iowa, the invitation can hardly be deemed inadvertent. The code also made generous

¹Lawrence M. Friedman, A History of American Law (New York: Simon and Schuster, 1973), pp. 184-185.

²1851 Code of Iowa, sec. 1453.

³Toussaint, op. cit.

⁴1851 Code of Iowa, sections 675-677.

provisions for public condemnation of land for privately-subsidized internal improvements in Iowa.¹ Once again Mason's public and private careers coalesce; for between 1849 and 1851, the former judge was deeply involved in the private development of plank roads in Iowa.²

A third and in some ways ironic aspect of the code's business section was its provisions for creation of ferry-boat services which possessed exclusive rights to ferrying business on designated portions of Iowa shores.³ This provision stands in contrast to Mason's earlier condemnation of monopolistic private ferry companies in New York referred to above.⁴ Nonetheless, the anti-monopolist was not dead by 1851, for the code also stipulated that tolls charged by ferry-boatmen with exclusive rights were to be controlled by the county courts.⁵

On a somewhat different note, the 1851 code may cast light on a shadowy side of Mason's character that emerged more distinctly during the Civil War years. In the section of the code prescribing rules of evidence for Iowa courts, one finds the provision that an "indian, negro, mulatto or black person shall not be allowed to give testimony in any

¹Ibid., sections 759-779.

²Toussaint, op. cit., pp. 15-16.

³1851 Code of Iowa, sec. 714.

⁴Article signed a "New Yorker", Evening Post (New York) May 6, 1834.

⁵1851 Code of Iowa, sec. 713.

cause wherein a white person is a party."¹ The irrationality of holding a Black person sufficiently lucid and competent to testify against his fellow Black while utterly incompetent to give evidence against a Caucasian, seems inconsistent with Mason's generally rational character. Yet the blind, unabashedly contemptuous attitude towards the Black race evidenced here became a conspicuous feature of Mason's speeches and writings in subsequent years.

Less sinister though likewise reflecting a strong racial bias by the drafters of the code was the moralistic portion abolishing dram shops and prohibiting the sale of liquor by the drink.² In related sections, the code rather sententiously declared that although liquor could be sold in other forms, "the people of the state will hereafter take no share in the Profits" therefrom;³ and tavern keepers were prohibited from selling alcohol to intoxicated persons or Indians, on pain of criminal prosecution.⁴ Temperance was a popular cause during much of the Nineteenth Century in the United States and Charles Mason, unlike many Democrats was a strong advocate of it.⁵ Nonetheless, and despite

¹ Ibid., sec. 2388.

² Ibid., sec. 926.

³ Ibid., sec. 924.

⁴ Ibid., sec. 2735.

⁵ "Mason Papers," Speech of 1832, v. 48.

these pronounced public convictions, Mason was not above having a glass of wine with dinner and, curiously, one of the earliest agricultural experiments on his Burlington farm was the cultivation of a splendid vineyard from which many gallons of the fruity beverage were annually drawn.¹

After finishing his work on the Code of 1851, Mason returned to private life until in 1852 he was named judge of the county court and then, in 1853, was appointed U.S. Patent Commissioner by President Franklin Pierce. This latter appointment necessitated a move to Washington, D. C. which marked a watershed in his career. Much of Mason's time during the next twenty years was spent in Washington in close proximity to the center of national political life. Since the Patent Department appointment marked such a defined turning point in Mason's career, it is well at this point to examine in general terms what Mason had grown into by his forty-ninth birthday and debarkation for the nation's capitol.

Entering life with few natural advantages, Mason had advanced to a conspicuous social and political position by 1853 through a combination of natural ability, perseverance, and good fortune. His past hard efforts could be expected to instill in him both a high degree of self-respect and an abiding faith in the viability of the free enterprise system. At the same time, his upward movement from poverty seems to

¹Toussaint, op. cit. pp. 10-11.

have instilled in him a basic concern that the right of private property, acquired through hard work, be respected. To be sure, all these attributes existed in Mason's political framework in 1853, as evidenced by his contributions to the Evening Post, his judicial handiwork as territorial chief justice, and his apparent contributions to the 1851 Code of Iowa. However, at the same time as these conservative building blocks were being set in place in the structure of his political ideology, liberal democratic components were also being added. Mason had been exposed to the troubles of an impoverished childhood and had had his resentment of privilege refined during his association with the radical Evening Post. Certain tenets of the Jacksonian faith had thus worked their way deeply into his mind by as early as his departure for Iowa in 1836. Thus he prized the right of the common man to have an equal opportunity with the wealthy to advance himself. Thus also he persistently opposed the manipulable nature of a non-specie currency. Finally, early experience in a nation dominated by Jacksonians and their Democratic heirs, forged Mason's lifelong commitment to the Democratic Party that will be discussed further below.

With such a conglomeration of elements going into his political character, Mason becomes a complex figure indeed. They make any characterization of Mason as liberal or conservative even more unenlightening than such classifications may usually be. Correspondingly, all these intellectual ingredients must be considered in examining and understanding

the positions Mason took in the deepening sectional differences between North and South during the days and years ahead.

CHAPTER II

WITNESSING THE GATHERING STORM

When Charles Mason left Burlington, Iowa for Washington, D. C. in 1853, he entered a new phase in his career. The sectional tensions emerging from the issue of slavery would within the next several years erupt into open warfare, causing political cleavages in Iowa which would spell disaster for Mason's political career there and leave the Democratic Party of Iowa at least temporarily a discredited ruin. Mason's absence in Washington during these crucial years may account for his estrangement from the popular political sentiments in Iowa during the early-1860's. Exposed to Southern influence and already sympathetic to the arguments of state's rightists through his Jeffersonian antecedents, he may have developed differently in Washington during the 1850's than he would have done had he remained in Burlington while the storm clouds of the Civil War grew thicker. Perhaps what appeared in Mason as deep-seated political conviction would have emerged similarly in Iowa, making him the opponent of Republican war strategy he became. But this is at least disputable. For not only was Mason a seasoned political figure sensitive to public sentiment by 1853; but the electrified atmosphere of pre-Civil War Washington could hardly help but have a substantial effect on the Civil War politics of anyone exposed to it.

The tension that filled the atmosphere in Washington in 1853-1860 had been generated by a history of sectional

differences between North and South that went back to the beginnings of the Republic itself. From the earliest days of the young nation, New England merchants and Southern planters had maintained conflicting images of their respective self-interests. In the days of Jefferson and Hamilton, the conflict had been ideological as well as economic, with the faith in states' rights of Jeffersonians running headlong into Hamilton's aggressive federalism. The Federalist protective tariffs of the Washington administration had stirred opposition in the South, which regarded such measures as improperly geared both to benefit New England at the expense of the South and to bolster the dangerously powerful national government.¹ The Alien and Sedition Acts passed by a Federalist Congress in 1798 in reaction to Southern and Western anti-Federalism, prompted perhaps the earliest post-constitutional pronouncement of the state supremacy doctrine by a state. Through the pens of James Madison and Thomas Jefferson, the Virginia and the Kentucky Resolutions both asserted the right of states to declare acts of Congress unconstitutional.² The Kentucky Resolution approached advocacy of nullification, Calhoun's later day panacea for his section's grievances.

The tensions did not diminish with time but simply changed in focus. To be sure, during the Jacksonian era of the late-1820's and 1830's, a loose-knit coalition of Northerners, Southerners and Westerners was forged in opposition to the National Bank, business monopolies, and a protective tariff. But even in the day of Jackson, a stiff

¹ John C. Miller, The Federalist Era: 1789-1801, (New York) Harper Torchbooks/Harper and Row, 1960), pp. 64-67.

spined group of Southern politicians led by John C. Calhoun kept alive the old sectional differences by re-asserting the states' rights philosophies of Jefferson, John Taylor of Carolina, and John Randolph of Roanoke. Thus in the South Carolina Exposition of 1828, Calhoun declared that a single state might suspend a federal law it regarded as unconstitutional.¹ The target of his vituperation was a protective tariff. But his principle was nullification and, ultimately, the right of a state to secede from the Union.

As Arthur Schlesinger, Jr. has pointed out, both the Jacksonians, with their devotion to the common man, and the Southerners supporting Calhoun traced their philosophical roots to Jeffersonian Republicanism.² Yet one offshoot of the Jeffersonian tree became nationalistic while the other increasingly propounded a sectionalized states' rights doctrine. With the passage of time and departure of General Jackson, further fragmentation occurred, this time within the ranks of Jacksonians. By 1846, the suggestion of an obscure Congressman from Pennsylvania was able to bring old North-South tensions to an active boil in the Wilmot Proviso controversy.

Behind the 1846 battle lay a complex series of events that influenced Mason's pre-Civil War thinking on the national issues. Since the admission of Missouri and Maine under the Missouri Compromise of 1820, national attention had been drawn to the issue of extending slavery in the territories. The Compromise provided that slavery should be forever banned in newly admitted states in the Louisiana Territory which were

¹Arthur M. Schlesinger, The Age of Jackson (Boston Little Brown & Co., 1946) p. 34

²Ibid. p. 57

situated north of the 36° 30' parallel. The Compromise succeeded in spreading oil on troubled waters for a time. But it was at best a temporary solution to the growing dispute over slavery. Slavery was becoming a crisis of conscience among Northern "Conscience Whigs" and, by 1840, among such ardent Jacksonians as Theodore Sedgwick of the New York Evening Post.¹ Other Northerners and Westerners pragmatically opposed slavery extension as a threat to the opportunity of free White labor in the new territories.² Simultaneous with these developments, Southern planters, whose plantation-centered economy had been revitalized by Cyrus McCormick's invention of the reaper in 1831, began growing fearful of Northern economic domination over their slave-based economy.³ With issues such as the Bank War and paper currency pre-occupying the national attention during the years of Jackson's presidency, the slavery issue remained relatively dormant during much of the 1830's. But by late in the Harrison-Tyler administration running from 1840-1844, sectional differences within Democratic ranks had grown pronounced. The issue of Texas' annexation re-directed attention to the possible extension of slavery and its attendant evils. In the North, many of the old Jacksonians like Martin Van Buren had by 1844 come to oppose annexation on anti-slavery grounds,⁴

¹Ibid., p. 429

²Ibid., pp. 451-452.

³Chaplain W. Morrison, Democratic Politics and Sectionalism: The Wilmot Proviso Controversy (Chapel Hill: University of North Carolina Press, 1967), p. 520ff.

⁴Schlesinger, op. cit., p. 431.

realizing that in so acting, they both alienated a large portion of the electorate which favored a war with Mexico and antagonized Southern Democrats who saw Texas as a proper acquisition for the bloc of slave-holding states. The re-emergence of slavery as a national issue was underscored by the anti-abolitionist "nigger-baiting" campaign followed by the Democrats in 1844 against the Whig candidates Henry Clay and Theodore Frelinghuysen. A popular campaign ditty ran:

De nigger vote am quite surprising
We's all for Clay and Frelinghuysing.¹(sic)

Polk's administration brought this dispute over annexation to a head when hostilities erupted between Mexico and the U. S. after April, 1846. In August of 1846, President Polk believed that if he could obtain an additional \$2,000,000 from Congress for resolution of the war with Mexico, he might be able to solve all the western quarrels with the neighbor to the south, including those over California and New Mexico. The debate over Polk's appropriation request prompted Congressman David Wilmot of Pennsylvania to broach the proposal that:

As an express and fundamental condition
to the acquisition of any territory from
the Republic of Mexico by the United States...
neither slavery nor involuntary servitude
shall ever exist in any part of the said
territory except for crime.²

¹Ibid., p. 439

²Morrison, op. cit., p. 18.

The gauntlet thrown down by the Northerners supporting Wilmot was snatched up with alacrity by such states' rights sectionalists as Calhoun and his Alabama disciple William Lowndes Yancey. By 1847, a Southern corollary of the Wilmot Proviso had been expounded by the Alabama Democratic Convention under the leadership of Yancey. This corollary, the "Alabama Platform", broadly stipulated that the Southern people should withhold their votes from any presidential candidate who did not prior to an election, "distinctly, unequivocally and publicly avow his opposition" to federal interference with the question of slavery in the territories.¹

Accompanying this sectional polarization was a breaking up of political parties within different parts of the nation. Just as the heirs of the Jeffersonian tradition had split in the days of Jackson between advocates of nationalism and proponents of states' rights; so now the Democrats of Jackson's coalition divided, between those whose chief concern was preservation of the Union and the Democracy, and those who placed cardinal emphasis on elimination of the moral and social blemish of slavery. In New York, Mason's native state, this split grew especially bold when in 1848, the conservative Hunker faction, which opposed taking any stand on slavery, defeated the rival, abolitionist Barnburner faction in a platform fight at the state convention in Syracuse, New York. Frustrated at Syracuse, the Barnburners convened their own convention at Herkimer and completed

¹ Ibid., pp. 49-50.

the fracture of the New York Democracy.¹

This pro-union versus anti-slavery dispute within the North was not confined to New York nor to the Democratic Party. Within the Whig Party too, factions emerged, with some Whigs, like Charles Sumner of Massachusetts and Salmon Chase of Ohio, making abolition the moral mission of their party, while others favored union and a coalition with wealthy Southern planters against the dangerous influence of Jacksonian "democracy". The abolitionist, or as they became known, "Conscience" Whigs, shared their cause with the liberal Barnburner Democrats. Thus by 1848 had been assembled a rather remarkable conglomeration of former Jacksonian Democrats and Conscience Whigs acting in unison under the banner of the "Free Soil Party". With no less a Jacksonian than Martin Van Buren as their presidential candidate, the Free Soilers drew support especially from the Northeastern section of the nation. Meanwhile Lewis Cass of Michigan, the Democratic candidate in 1848, and Zachary Taylor, General and late-begotten Whig, battled it out in the rest of the country. Although Cass argued the merits of popular sovereignty to a sympathetic, pro-union audience in both North and South; his reputation as a political trimmer, plus Taylor's own Southern origins gave the Southern vote and presidency to the general.²

The deteriorating relations between North and South thereby brought with it virtual fragmentation of the

¹Ibid., p. 81

²Ibid., p. 169

Democratic Party by 1848. In the following five years preceeding Mason's departure for Washington, D. C. in 1853, conditions within the party and nation continued to worsen. By a delicate process of fence-mending and Whiggian lack of direction, the Democrats managed to elect Franklin Pierce president in 1852. But Pierce, Mason's political patron for the patent office job, attempted to discipline a troublesome segment of the New York Democracy--the "hard-shall Hunkers"--that had been uncooperative in the election of 1852.¹ The result was renewed factionalism in the party ranks, leading finally in 1856 to the Democratic nomination of an experienced old Southern Jacksonian, James Buchanan, for the presidency.

In this troubled setting, Charles Mason, Western Democrat with Jacksonian underpinnings arrived in Washington in mid-1853. As newly-appointed patent commissioner, his first concern was to become familiar with the patent office and to impose his own influence and set of priorities on the conduct of the office. These duties gave him more than enough to occupy his time. As a result of this occupation, he seems to have devoted most of his public energies during the next four years to modernizing his agency and to observing, rather than helping shape, contemporary political affairs. This preoccupation doubtless contributed to the course his later activities followed, somewhat limiting the growth of

¹Roy F. Nichols, The Disruption of American Democracy (New York: The MacMillan Company, 1948), p. 16.

his political horizons. He had been in Iowa during the furious 1840's and could not have shared the rancorous emotions that wracked the East and South. Absorbed as he became in Washington, he may have failed to perceive the depth of emotion on the slavery issue, even as he became detached from political sentiment in Iowa while he was serving as patent commissioner.

Mason's absorption with his work may be understood in light of the fact that he began his term as patent commissioner in May of 1853¹ when the office's condition called for strong, clear-headed leadership. Vacancies in posts of commissioner as well as examiners during late-1852 and early-1853 had generated a serious backlog of unanswered patent applications.² Fortunately, effective July 1, 1853, the patent office gained eight additional clerks of the second class, to help answer the growing research and examination demands placed on the office.³ With subsequent staff additions, the public demands on the agency were finally satisfied.

Early in his career as commissioner, Mason displayed his innovative and egalitarian character by hiring the first women clerks ever to work in federal government offices.⁴

¹U.S. Department of Commerce, The Story of the United States Patent Office (Washington, D. C.: U.S. Government Printing Office, 1972), p. 10.

²Report of the Commissioner of Patents, 1854, in U.S. Patent Office, Department of Commerce, Washington, D.C., p.11

³Ibid., p. 13.

⁴Story of the Patent Office, op. cit., p. 10.

Prior to this time, women had been employed to do certain clerical work in their homes; but had never been given employment within government offices, especially not for the good salaries Mason offered. One such early female employee of the patent office was Clara Barton, later founder of the American Red Cross. She served as a well-paid clerk in the agency until 1857, and later resumed her employment there from 1860-1865.¹ As would be expected, Mason's policy stirred a great deal of controversy and was obstructed by his superior, the secretary of interior, as early as 1855.²

Mason decried the "illiberal course" followed by his predecessors in the patent office. Under these commissioners he felt, patents had been denied simply because the proffered invention might be useless, and even though it did not infringe on any patent rights previously granted. Mason believed this was wrong and that, while caution was proper in granting or denying patents that possibly encroached on pre-existing patent rights, there was no good reason for denying a patent which at worst could injure only the patentee himself.³ He felt this policy would not only

¹ Ibid., pp. 10-11.

² Charles Mason Papers, (MSS in Iowa State Historical Building, Des Moines, Iowa), Diary entry of October 14, 1855, vol. 46.

³ Ibid., July 2, 1855, And see the Annual Report of the Commissioner of Patents for 1856 which reports a rise in patents issued from 958 to 2,502 between 1852 and 1856. (U.S. Department of Interior, Report of the Commissioner of Patents, 1856, (Department of Commerce, Washington, D. C.).

remove an unnecessary restraint on patent issuance, but would encourage enterprise and creativity on the part of the inventing public. This liberal approach had its pitfalls, however, as Mason perceived when the onslaught of patent application began to consume virtually his every waking moment.¹

Some of the Jeffersonian precepts of Mason's political philosophy showed themselves in his direction of the patent department. In the 1854 Patent Commissioner's report to the President of the Senate, he criticized the disproportionately high rates charged non-citizens for patent registration: to Mason, this represented a violation of the "natural justice" that dictated "No title to property can be more just or valid than his who has created that property."² Opposition to commercial barriers and the recognition of a "natural" justice both harken back to Jeffersonian thought. Likewise his inclination to issue rather than deny patents where prior rights were not in conflict, evidenced a dislike of government restraints on individual expression and property. But his Jeffersonianism was always framed in a Jacksonian context; and accordingly his idealistic arguments against government action were almost always supported by pragmatic rationales.

¹ Ibid., July 3, 1855.

² U.S. Department of Interior, Report of the Commissioner of Patents, 1854, Department of Commerce, Washington, D. C., p.17

During Mason's approximately four years in the patent office, the agency's library greatly expanded, the size of the staff increased, and significant improvements and additions were made to the physical plant housing the office. In addition, the patent office initiated new programs whose value was later evidenced by their transfer to new federal departments. Such for example was the program for gathering meteorological data commenced in 1854¹ which was subsequently placed under the control of the Department of Commerce.

However, despite the fact he was seemingly an able administrator possessed of creative ideas and a good rapport with inventors,² Mason experienced recurring difficulties with his superiors in the Pierce and Buchanan administrations from the earliest days of his tenure. These differences dealt largely with what Mason considered to be interference by the secretary of interior with the commissioner's direction of the patent office. Pierce had persuaded him to stay when in mid-1856, Mason considered resigning. But after Buchanan assumed office in 1857, Mason began to sense his welcome in the Democratic administration had worn thin. Jacob Thompson, Buchanan's secretary of interior, quickly let it be known that he preferred one other than Mason in the office of

¹Story of the Patent Office, loc. cit.

²When, in 1855, it appeared that Mason was soon to leave the patent office, inventors of the nation collected \$3,000 in a "Mason Testimonial" to be given outright to their friend in the patent office. ("Mason Papers," op. cit. Diary, September 30, 1855, Id. 46).

patent commissioner. Accordingly, on May 25, 1857, Mason submitted a letter of resignation which was accepted by the President.

Why did Buchanan wish to discharge one possessing Mason's engineering and administrative experience, especially when Mason enjoyed such good relations with the inventing public? Apparently political pressures on the president led him to accept Mason's resignation. Various influential Iowa Democrats sent a series of letters to Buchanan and Thompson which actively lobbied for Mason's removal in 1857. Such conspicuous figures as George Wallace Jones, James May, and by reference, Augustus Caesar Dodge, charged that Mason had conspired with Iowa Republican Governor James Grimes and others to perpetuate a "stupendous fraud"¹ (acts unspecified) on the people of Iowa. Jones' criticisms are perhaps the most strident; he accused Mason of combining with Governor Grimes to defeat the Democratic candidate in the 1854 gubernatorial race; of opposing the Kansas-Nebraska Act and of doing "more to break up our party in this state than any other man in the Union, not excepting Greeley (sic), Seward, or Fitz Henry Warren."² (all leading figures in the state or national republican organization:). According to Jones,

¹Letter from James May to President James Buchanan of March 31, 1857 (from National Archives Records Group #48, Appointments Division, Charges Filed: Charles Mason, National Archives and Records Service, Natural Resources Branch, Civil Archives Division, Washington, D. C.)

²Letter from George Wallace Jones to Secretary of Interior Jacob Thompson of March 23, 1857 (from National Archives Records Group #48, Appointments Division, Charges Filed: Charles Mason, National Archives and Records Service, Natural Resources Branch, Civil Archives Division, Washington, D.C.)

the opposition of himself and Dodge to Mason's tenure as patent commissioner extended back to his initial 1853 appointment by Pierce. Both men alleged Mason was "tinctured with Wilmot-Provisoism--Abolitionism or K.(now)- N.(othingism)".¹ In light of Mason's contemporary diary entries, as well as his correspondence during this period, there seems to be little basis for the charges Jones makes. It is true, Mason would have preferred to let sleeping dogs lie, and thus was not sympathetic to the Kansas-Nebraska Act which stirred up the slavery controversy previously set to rest by the Missouri Compromise.² Similarly, James Grimes and Mason, who had met as fellow lawyers in Burlington during Iowa's territorial days, were active correspondents throughout the early 1850's, sharing financial interest in development of certain Mid-western rail lines,³ and in purchase of Iowa real estate.⁴ However the Grimes-Mason correspondence was concerned with business rather than politics. On the other hand, their exchanges reveal that the railroad interests of Mason and Grimes did run in conflict with those of Dodge and Jones whose plans for rail connections in Iowa followed a different

¹ Ibid.

² Mason expressed this disapproval of the Kansas-Nebraska act in 1856 when the Iowa Democratic Party endorsed Senator Douglas' legislative brainchild ("Mason Papers," op. cit., Diary, January 20, 1856, vol 46).

³ "Mason Papers," Letter from James Grimes to Charles Mason of February 2, 1852, vol. 2.

⁴ Ibid., February 29, 1852.

pattern from those envisioned by Mason.¹ With the strong emotions generated in Iowa during this time period over the question of railroad location, it is not unlikely Dodge and Jones found these differences ample fuel--and the real cause--for their animosity towards Mason.

At the same time, it is not true as Jones alleged that Mason sympathized with abolitionism at any point. Indeed, as subsequent discussion will demonstrate, he felt increasing animosity towards abolitionism as the Civil War approached and finally burst forth in 1861.² What is more, Mason's political correspondence indicates his political associations during the 1850's were with persons whose views were anti-abolitionist and pro-Democratic.³ Here, Jones, diehard pro-Southerner that he was, may have resented Mason's strong support of conciliatory measures between North and South. But Mason's stand could hardly be considered intentionally inimical to the interests of the Democrats whose past successes had been built on conciliation and whose fortunes plummeted when the party showed sectional favoritism under Buchanan between 1856 and 1860. Thus it seems likely that Jones, Dodge, and the others who lobbied against Mason's

¹ Ibid., February 13, 1852.

² See Chapter III, p. 61.

³ See for example, the letters of W. W. White of Iowa and Samuel F. B. Morse (of telegraphic fame) to Mason of June 25, and March 24, 1854, respectively ("Mason Papers," op. cit., vol. 2).

retention in office acted more from personal pique and sectional bias than from actual evidence of anti-Democratic conduct by Mason. However, motivated, Jones' 1857 allegations, coming from a staunchly Democratic U. S. Senator, doubtless played a conspicuous part in Mason's 1857 departure from the patent office.

One of the more interesting things which the pressure for Mason's dismissal reflects is the strife prevalent within the Iowa Democracy by 1856. Spurred by differences ranging from railroad routes through Iowa to prohibition, conflicts between Democrats in Iowa had begun to emerge by the 1840's. During the 1850's, temperance, nativist sentiment, abolitionism, and the issue of internal improvements all provided sources of friction among Iowa Democrats.¹ In part through Democratic political ineptitude, in part through Republican canniness, the Iowa Democracy was reduced from unquestioned dominance at the time of the state's creation, to a clearly secondary position by 1858, a little over a decade later. Thus while the Republicans made a play for the abolitionist, internal improvement, and temperance voters, the state Democrats feebly drafted platforms avoiding any stand on internal improvements or homestead legislation in 1854 and 1857. Although the state party supported government subsidized internal improvements in 1852, the national party created problems by opposing them.² Correspondingly, the party was so afraid of alienating

¹ Morton Rosenberg, Iowa on the Eve of the Civil War: A Decade of Frontier Politics (Norman: University of Oklahoma Press, 1972), pp. 72-73.

² Ibid., pp. 62-63.

some element of its loose-knit early coalition that it surrendered by default large blocs of strongly motivated voters to the opposition. Additionally, the Kansas-Nebraska Act of 1854 which was promoted by the Democrats stirred widespread controversy in Iowa, both against and within the Democratic Party. This act, which repealed the Missouri Compromise, declared that each state newly admitted to the union would be allowed to decide for itself, by "popular sovereignty", whether slavery would exist within its boundaries. Many Iowans opposed the act either because it potentially condoned slavery in areas where it had previously been prohibited (north of the 36°30' parallel), or because it stirred the hornet's nest of slavery which had wishfully been silenced by the Missouri Compromise in 1820. An endorsement of the act by the 1856 state Democratic convention stirred Mason's ire, and he felt confident the convention decision could only have a negative affect on party fortunes. It seemingly did not help the party's deteriorating statewide position. In 1852, the Democrats who had controlled Iowa politics since territorial days, lost their first Congressional seat to the opposition Whigs. In 1854, they lost the governor's chair and the lower house of the state legislature to the Whigs, together with one of Iowa's U. S. Senate seats. By 1856, the state was directing its presidential electors to vote for the Republican candidate Fremont rather than Buchanan; and by the end of 1859, the Republicans dominated both the executive and legislative branches of the

state government in addition to all of Iowa's Congressional delegation.

The slavery issue played a large part in the Democrats' dwindling credit with the people of Iowa. After the Kansas-Nebraska Act split Iowa Democracy in 1854, Buchanan's presidency exacerbated the Democrats' troubles with slavery in Iowa. Buchanan's decision in 1858 to accept the Lecompton Constitution for Kansas stirred violent controversy in Iowa, the western border of which had long served as a supply depot and springboard for raids into Kansas by abolitionists.¹ Because the pro-slavery Lecompton constitution had been drafted and approved by highly questionable methods, Buchanan's decision to embrace it was taken alternately as wrong-headed or as a bold-faced declaration of pro-Southernism, by Iowa Republicans and Democrats alike. Again Iowa Democrats divided, as did the national party, with some Democrats such as George Wallace Jones, staunchly supporting Buchanan; while others, like Henry Clay Dean, Judge Thomas Wilson, and Lincoln Clark² followed Senator Stephen Douglas of Illinois in opposing the Lecompton charter. The wounds thus opened in 1858 ill-prepared the Democrats for the 1859 gubernatorial and 1860 national elections.

¹John Brown, most famous of the Kansas abolitionists, had numerous friends and supporters in Iowa. In 1856, Republican Governor James Grimes, Mason's old business protege, apparently deliberately left the key to the state arsenal on his desk so as to allow sympathizers of the Kansas abolitionists to "borrow" it for arming the anti-slave Kansans against their pro-slavery neighbors. (Ibid., p. 139).

²Ibid., pp. 168-169.

But the slavery issue was not the only question to spell disaster for the state Democratic organization between 1854 and 1860. The acquisition of a long-awaited land grant from the federal government in 1856 won plaudits for Republican legislators although the energies of their Democratic forebears had done much to secure the grant. Buchanan's subsequent veto of the Homestead Act, which would have increased the availability of Western lands, convinced many Iowan's that the Republicans were far more likely to satisfy their common desire for homestead legislation than were the Democrats. These factors, coupled with a longstanding personal feud in northern Iowa between Judge Thomas Wilson and Senator George Wallace Jones,¹ and the slavery issue, stacked the cards strongly against the ambitions of the Democracy. Thus despite the national economic crisis of 1857 and substantiated claims of widespread graft against the Republican government, the Democrats lost their grip on the political affairs of Iowa and were replaced by an aggressive, confident young Republican organization.

While the events of 1857-1860 were unfolding in Iowa, Mason was commuting from Burlington to Washington at frequent intervals, looking after his business interests in Iowa and conducting a patent law business in Washington which had sprung up in the wake of his departure from the patent office. He kept abreast of the important political developments that were evolving around him, though not getting so deeply caught up with the issues as he did at other times. In 1856, he re-

¹The feud between Jones and Wilson related to Jones displacement of Wilson in 1848 as U. S. Senate candidate from Iowa--a candidacy which Wilson, Mason's co-juror on the territorial high court, expected for himself. (Ibid., p. 67-68).

recorded of himself that he was "no abolitionist", but neither was he a "friend of slavery in the abstract." He continued:

It would be better if all ment were free and equal, It would be better if all were exempt from the evil of poverty or sickness. I hope human society is constantly advancing towards the points so desirable, bur who would propose... an equal distribution of property in order to attain the one of these objects? Who would urge on the divesting of property in slaves at once to the ruin of those who are interested in order to effect the other?¹

These statements seem to put Mason in as moderate a position as that ocupied by Abraham Lincoln on various occasions during the same period.² Consistent with his Jacksonian background, Mason was primarily concerned with preserving the union and quelling those forces that favored disunion, but compromise. Up to a point, his hostility to a movement increased as that movement became more strident in its advocacy of a position that favored national division. Perceiving that the dispute over the Kansas-Nebraska Act fell largely along sectional lines, he recorded in 1856 his fear of civil strife from the "formidable" divisions created by the issue.³ He correspondingly registered his disapproval of the state Democratic

¹"Mason Papers," op. cit., Diary, March 16, 1856, vol. 46.

² In an 1854 address in Springfield, Illinois, Lincoln stated: "It seems to me that systems of gradual emancipation might be adopted, but of their tardieness (sic.) in this I will not undertake to judge our brethren of the South...Let it not be said I am contending for the establishement of political and social equality between the whites and blacks. I have already said the contrary...The Missouri Compromise ought to be restored...if not, the country will see the South flushed with triumph and tempted to excess; The North, betrayed as they believe, brooding on wrong and burning for revenge" (Carl Sandberg, Abraham Lincoln: the Prairie Years II (New York; Harcourt, Brace and Co., 1920), p. 14 ff).

³"Mason Papers," op. cit., Diary, February 19, 1856, vol. 46.

party's endorsement of the Kansas-Nebraska Act in its 1856 platform. The Act, as Mason saw it, simply agitated the restively slumbering issue of slavery, reviving an increasingly delicate source of national friction. So also in 1856 did Mason express dissatisfaction with the course followed at the national convention meeting in Cincinnati. Sensing that the party was inattentive to Northern sentiments in drafting its platform, Mason anticipated that the controversy between Democrat Buchanan and Republican Fremont in the presidential contest would become largely a North-South confrontation.¹ Because of this apprehension, Mason, at least in the privacy of his diary, confided his hope that Buchanan and the Democrats would win the election, but only by a narrow margin. He felt this would rein in pro-South extremists in the party to assure a conciliatory course by party leadership over the next four years.² Mason thus recognized that the cause for national discord arose from more than Northern abolitionism: the Southerners, "settled down into a dogged resolution that the Union is not worth preserving"³ were to him also to blame for the growing national friction. As the Buchanan administration began to show Southern bias during the 1856-1860 period, Mason continued to oppose this strategy. He felt that submission of the Lecompton Constitution

¹ Ibid., June 22, 1856.

² Ibid., July 2, 1856.

³ Ibid., September 28, 1856

should not have been allowed to become a "test of Democracy,"¹ seemingly echoing a widespread opposition among Iowa Democrats to Buchanan's endorsement of that charter. In 1860 Mason supported Douglas in his race for president, nonetheless he still regarded the Kansas-Nebraska Act as a blemish on the "Little Giant's" record.

Although Mason opposed Southern extremism in his own party, abolitionism began to draw his special venom during the late 1850's. This may be largely accounted for by the fact abolitionism was the child of largely anti-Democratic forces; "Conscience Whigs" together with estranged "Free Soiler" Democrats. Southern extremism, on the other hand, came from more traditional Democratic sources. Furthermore, Mason seemed to regard the abolitionists as the aggressors, who initiated and exacerbated the national slavery issue. A letter from his brother Edwin, who was sympathetic to the abolitionist cause, provoked Mason to declare:

Really the northern fanatics seem to suppose themselves the very elect of this world and as though there were no other persons who could be regarded as virtuous or intelligent but themselves. If there is no class possessing more common sense than they do the Union will certainly not last long.²

Although his dislike for abolitionism was evident by this time, it grew more pronounced by 1860 and, during the Civil War, grew positively vitriolic. This tendency to stress

¹ Ibid., December 19, 1857

² Ibid., November 26, 1856.

the evils of abolitionism while downplaying divisive effects of Southern sectionalism was probably affected by more than the partisan allegiances of Mason. For one thing, Mason's correspondents in Iowa and elsewhere during this period virtually all took anti-abolitionist stands. Between 1856 and 1860, a number of them, such as W. W. White¹ and John Gear² of Burlington, took downright pro-Southern stands, blaming Senator Douglas, opponent of the Lecompton Constitution, for division in the Democracy and for the serious threat of national civil war. Getting his information on Iowa affairs from these persons in 1856 and early 1857, Mason might well have been led to pro-Southern sympathies himself, mistakenly sensing this was a popular cause in Iowa.

Another factor inclining him toward anti-abolitionism and a conciliatory posture towards the South was his ill-fated candidacy for the Iowa Supreme Court in 1859 on a ticket headed by Augustus C. Dodge. Though Dodge himself harbored pro-Douglas sentiments,³ he had been ambassador to Spain for President Buchanan and was seen as a man capable of uniting the warring Douglas and Buchanan factions of Iowa's Democracy. Thus he, together with his ticket members, trod a thin wire strung in a deliberately inoffensive path between the rival forces at work in the party. The platform endorsed non-inter-

¹ Ibid., Letter from W. W. White to Charles Mason of November 21, 1860, vol. 4.

² Ibid., Letter from John Gear to Charles Mason of January 4, 1860, vol. 3.

³ Rosenberg, op. cit., p. 189.

vention of the federal government in state affairs, as well as defended popular sovereignty. It avoided endorsement of Buchanan.¹ Mason, writing campaign material for Dodge, should have become somewhat aware of the delicate position occupied by his party in Iowa. At the same time, he had committed himself publicly in the campaign to a conciliatory posture towards the South. Perhaps believing that those of Southern extraction were as dominant in Iowa affairs as they had been in 1850,² he may have felt this was a sound political as well as moral course. In any event, once thus publicly committed, alliance with abolitionists became more untenable than ever for Mason.

Mason's troubles after leaving the patent office in mid-1857 were more than political. Perhaps triggered by his reduced activity after leaving the office, Mason seems to have entered into a prolonged period of severe emotional depression. In cryptic entries in his diary running from late-1857 through 1860, he records feelings of self-pity and great despondency. His grief at the loss of two young daughters in an epidemic in 1852 was never far from his mind, and became heightened during this period with increasingly frequent references to their tragic early death. He felt

¹Ibid., p. 195.

²The shift in sectional origin of Iowa residents from Southern to Northern and immigrant between 1854 and 1860 was striking. In 1854, the population stood at 326,000 with about 49.5% of the population coming from the deep South, Ohio, and old Northwest Territory; whereas by 1860, 674,913 people lived in Iowa with most of the new population coming from the northeastern part of the country. (Ibid., pp. 13-25).

lethargic and unable to muster any enthusiasm for his work¹-- apparently a strange first in this active man's career. On one occasion he noted in his diary that he had called off a speaking engagement after drinking too much brandy in an attempt to douse his depression.² Such self-indulgence was not only out of character for the disciplined Mason, but violated his strong belief in temperance. On July 4, 1859, he recorded, "The whole world is celebrating the 4th of July. I have taken little part in it"; on March 19, "I am heartily tired of this mode of life"; and on June 25, 1860, "Cannons today have been thundering in the park, exulting over the nomination (for president) of either Douglas or Breckinridge. (sic) I did not take the pains to enquire which. I have taken a long walk and am alone at home."³

What were the causes of this pronounced depression and uncharacteristic self-pity? For one thing, after mid-1857, Mason was out of government service and in a rather unsettled vocational situation. Well-trained in a number of fields, he had no attractive job awaiting him upon leaving the patent office and often complained of not finding enough to keep himself productively occupied. The fact that he left the patent office under fire also seems to have disturbed him, although he could certainly have re-assured himself with the knowledge that the pressure brought on him to resign did not

¹"Mason Papers," op. cit., Diary, January 25, 1858, vol. 46.

²Ibid., September 11, 1858

³Ibid.

arise from any question either as to his qualifications for or performance in the patent office. With his departure from the office, Mason was cut off from the federal government and new advances in the national Democratic structure. Perceiving the crumbling fortunes of the Iowa Democracy to which he had tied his career, Mason could easily have seen only a dead-end for any hopes of future public service once Buchanan accepted his resignation. On top of these discouraging realizations, Mason had only to look around him to see the success some of his earlier associates had come to experience. James Grimes had been elected Governor of Iowa in 1854, and John C. Breckinridge, formerly a member of the Iowa bar when Mason was Chief Justice,¹ was Buchanan's Vice-President. Given his own early and propitious beginnings in New York and Iowa, Mason would have been an unusual man indeed not to feel a certain measure of disappointment or even jealousy at the success of his former colleagues and subalterns. To his credit, Mason displayed little of the latter feeling even in the confidence of his diary. And he attempted to combat the former by getting himself active once again. However, not until the holocaust of the Civil War erupted did Mason seem to break out of his lethargic depression and get caught up in the momentous events transpiring around him.

¹Ibid.

The period of emotional stress Mason experienced between 1857 and 1860 may account for his political inertia in not attempting either to salvage something from the wreckage of the Iowa Democracy in 1860 or to enter and influence the policies of the ascendant Republican Party. Correspondingly the depression which infected the Democracy after Dodge's defeat by Samuel Kirkwood¹ in 1859 may have affected Mason personally making his problem more acute.

The period between 1856 and 1860 brought Mason religious as well as emotional uncertainty. Although it was not until 1864 that he was baptized and made a communicant of the Episcopal Church,² Mason expressed both his religious convictions and misgivings in 1856. Like many of his age, Mason was a rationalist possessed of a religion best described as deistic; he believed in a kind and loving God³ who gave men their reason and expected them to govern their own affairs by use of it. Since reason was a central feature of Mason's theology, he was critical of theologians and church doctrines which operated in disregard of historical or scientifically deduced fact. Thus Mason in 1856 could not accept Christianity because of serious doubts he

¹ Edward H. Stiles, Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa (Des Moines: Homestead Publ. Co., 1916), p. 24

² Ibid., December 14, 1856, vol. 46

³ Ibid., March 2, 1856.

entertained about its historical accuracy.¹ He appreciated the impressive pageantry of the Roman Catholic worship service, but concluded that it was "well calculated to strike the imagination of the ignorant but...not a religion to satisfy an investigating and inquisitive people." (In light of this comment, it is perhaps ironic that he should finally have chosen to be baptized in another church whose ceremony contained much liturgy and pageantry.) Mason could not bring himself to believe in the divine inspiration of the Old and New Testaments;² yet he professed the hope that "I have a full belief in the existence of such a being as the Great Father who has created this beautiful world."³ He likewise could not believe that man was possessed of a divine spirit; but, with the optimism in mortal prospects shared by Jeffersonians and Jacksonians, neither could he believe man was naturally evil.⁴

However much his rationalism militated against the church, Mason felt attracted to institutional religion and he regretted his remoteness from orthodox Christianity. Thus he frequently attended church and made serious efforts to reconcile his rationalism with religious doctrine. He especially enjoyed hearing talks by theologians or others who attempted to place Biblical events in the context of modern

¹ Ibid., December 2, 1856.

² Ibid., December 14, 1856.

³ Ibid., December 30, 1856.

⁴ Ibid., May 11, 1856.

science.¹ He resented those who, caught up in religious dogma, stood obstinately in the path of reason.² Given these feelings and his depression in the late-1850's, it is not clear why Mason postponed until 1864 joining a church as a baptized member. Even in 1864 he seems to have felt an unworthiness almost akin to guilt in making the move:

I have take a very important step today...
I feel an unworthiness and hope
if I have done wrong I shall be forgiven.³

Perhaps his age and long-standing association with members of the church induced him to take a step he had so long avoided. In any event, the convictions and reservations he aired about his spiritual life during the 1850's doubtless reflect some of the forces at work in his later "conversion."

While Mason confronted his personal crises, the nation slid onwards toward civil war. As late as September, 1860, Mason expected the Presidential contest to resolve itself in Douglas' favor, with the Democrat defeating his opponent Abraham Lincoln even more handily than Buchanan had beaten Fremont in 1856. This prognostication, as incorrect as were a number of Mason's other political forecasts, seemingly ignored divisions within the Democratic Party nationally and locally while overestimating the intensity of popular concern for preserving the union. Reality became painfully clear to

¹ Ibid., January 17, 1858.

² Ibid., November 18, 1860

³ Ibid., November 28, 1864, vol. 47.

Mason by October 11, when he learned Pennsylvania had cast its preference for Lincoln and gone decisively against the conservative. Said Mason:

The days of the Union are thought by many to be numbered. The election of Lincoln is pretty certain now and What will come next time will show.¹

By November 13, Mason felt fairly certain that at least five states would shortly secede from the union and that "great prudence will be needed to prevent more from accompanying them."² Based on conversations with Southerners, he had begun to suspect that the secession movement was as much prompted by a Southern belief that the states would be better off outside the union as by "any sufficient political grounds for complaint."³ Despite this Southern opportunism, and despite his own Jacksonian concern for national unity, Mason made clear very early his opposition to coercive methods for preventing secession.⁴ Probably this opposition stemmed from Mason's long-standing conviction that the national differences were bred of misunderstanding and obstinacy and could be remedied by reasonable efforts at conciliation through compromise. After coming to side with the Southerners against abolitionist "fanatics", he would have found it difficult

¹ Ibid., October 11, 1860, vol. 46.

² Ibid., November 13, 1860.

³ Ibid., November 28, 1860.

⁴ Ibid., December 7, 1860.

even for the cause of union, to join abolitionists in enforcing national unity on the South. Very soon, on December 20, 1860, his position would be tried by fire, as South Carolina, home of the fire-eating Calhoun, seceded from the union.

CHAPTER III

EXPERIENCING DISASTER

South Carolina's secession from the Union was not followed immediately by bloodshed. However, it did precipitate the secession of six other states in the deep South: Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas. On February 4, 1861, delegates from six of the Southern states met in Montgomery, Alabama to set up a new national government styled the Confederate States of America.¹ After Texas approved by referendum an ordinance of secession, its delegation joined the assembly in Montgomery.

The avowed intent of the moderate confederate leaders emerging from the Montgomery Congress was to engage in peaceful diplomatic relations with the United States. Thus Jefferson Davis of Mississippi, the provisional President of the C.S.A., delegated three agents, André Roman (Louisiana), Martin Crawford (Georgia), and John Forsyth (Alabama) to represent the Confederacy in Washington.² Such plans, if they were ever capable of bearing fruit, came to naught by April of 1861 after the Confederates decided to force the issue of their independence by shelling Union-occupied Fort Sumter located in Charleston Harbor in South Carolina. To be sure, Fort Moultrie, also in Charleston Harbor, as well as federal supply ships destined for the forts, had been shelled

¹Charles P. Roland, The Confederacy (Chicago: University of Chicago Press, 1960), p. 16.

²Ibid., p. 28.

in December and January of 1860 and 1861. But the attack on Sumter was the first act of belligerency performed against the United States after Lincoln, target of Southern opposition, took office on March 4, 1861. The shelling of Sumter, though arguably necessary for the credibility of Southern claims of independence, clearly gave President Lincoln a justification for issuing a call to the nation's governors for 75,000 troops to maintain federal authority in the seceded states. This call, in turn, induced the previously anti-secessionist states of Virginia, Arkansas, Tennessee, and North Carolina to join the states of the deep South in withdrawing from the Union by early June of 1861.

But the shelling of Fort Sumter did even more than precipitate a Presidential war message that forced four added states to secede. It also aroused widespread indignation throughout the North against the presumptuousness of a people shelling a fort protected by the U.S. flag. The reaction in Iowa resembled that in other parts of the North, as volunteers flocked to the standard held aloft by staunchly anti-secessionist Governor Samuel Kirkwood.¹ A remarkable degree of bipartisan support greeted Lincoln's call-up in the wake of the Confederate attack. Senator Stephen O. Douglas, in 1860 Lincoln's chief Democratic rival for the presidency, began stumping the country in an exhausting campaign promoting the Union war effort--a campaign which ended only with Douglas' death in mid-1861.² Douglas' remarkable effort generated

¹Wood Gray, The Hidden Civil War: the Story of the Copperheads (New York, The Viking Press, 1964), p. 54.

²Ibid., pp. 58-59.

even greater support for Lincoln's proposed course of action against the South. In its wake, even Congressman Clement Vallandigham, later to distinguish himself as the storm-center of Midwestern "Copperhead" opposition to the Union war effort, voted for a war appropriation "to protect and defend the Federal Government."¹

In contrast, Mason continued even after Sumter, to decry war and denounce the radicals of both South and North whose obstinance forced secession in the first place. In this, Mason differed but little from the position taken by President James Buchanan in the last shadowy days of his administration in early 1861. Buchanan, while reviling secession as a wrongful and unjustifiable act by a state, nonetheless acknowledged that the Union could not be preserved by force, since to do so would be to violate the spirit of the Constitution and to precipitate a bloody fratricidal war.² All the same, Buchanan recognized the right of a nation to defend its outposts and correspondingly ordered Major Robert Anderson, in command at Forts Moultrie and Sumter to "hold possession of the forts (against Southern aggression)...to the last extremity".³ Mason indicated he would have abandoned Fort Sumter had the decision been his to make in early 1861;⁴

¹Ibid., p. 60

²J. G. Randall and David Donald, The Civil War and Reconstruction (2d ed., Boston: D. C. Heath and Co., 1961), p.145.

³Ibid., p. 146.

⁴"Charles Mason Papers", (MSS in Iowa State Historical Building, Des Moines, Iowa), Diary entry of March 11, 1861, vol. 97. Hereafter this collection is referred to as "Mason Papers".

presumably on the assumption that compromise was still possible and a crisis over control of Fort Sumter could only endanger further the chance of such a compromise. Nonetheless, Mason like Buchanan recognized the need for a nation to defend itself if attacked; though beyond this he would not go.

Mason's seeming pacifism in the earliest days of the war seems to have arisen partly from the conviction that the only constitutional national union was a voluntary one. He likewise felt that hostilities unnecessarily arose from irresponsible extremism by abolitionist and Southern fire-eater alike.¹ Although after the first battle of Bull Run in 1861, Mason did tender his services to the Union cause, each of these factors took on new dimensions as the war progressed making of Mason a more ardent opponent of Lincoln's war policy year by year. Thus, though his Jacksonian conscience made Mason a Unionist, his growing opposition to those directing the war effort led him away from his concern for restored national union and towards reunion through peaceful means or not at all. In this, Mason differed with many of his fellow Democrats who grew increasingly reconciled to the need for forcing re-unification of North and South, and who differed with Republicans largely as to the measures appropriate for achieving such reunification.²

¹Letter from Charles Mason to George H. Yewell of November 4, 1861, in George H. Yewell, "Reminiscences of Charles Mason", Annals of Iowa, V, No. 3 (1901), 174.

²Witness Democratic Presidential candidate George McClellan's determined assertion in the 1864 campaign that his was not the party of defeatism but that it was for winning the war. Only Black emancipation was deleted from the war's objectives for him. Frank E. Klement, The Copperheads

But in the latter half of 1861, many Midwestern Democrats moved toward the pro-peace position defended by Mason. A variety of factors tarnished the glitter of pro-war fervor that arose in the wake of the Fort Sumter engagement and the first battle of Bull Run in July, 1861. The Morrill Tariff Act and amendment of February and August, 1861, imposed heavy burdens on the Midwestern agricultural community and seemed tailor-made for the benefit of New England merchants and manufacturers. In like fashion, the closing of the Mississippi and corresponding increase in railroad and shipping fees by Eastern capitalists put severe strains on Midwestern commerce, forcing many businesses and farmers to shut down operations. Traditional Western suspicions of Eastern capital which traced back beyond the days of Andrew Jackson were thus heightened by the war and certain sectionally discriminatory acts of Congress.

But beyond economic factors, political considerations played their part in gradually souring large segments of Midwestern voters on the war effort. Lincoln's suspension of the writ of Habeas Corpus on July 4, 1861, together with unauthorized government expenditures and increases in the regular army, aroused citizens who realized such constitutional deviations set dangerous precedents. Just how dangerous arbitrary suspensions of constitutional rights could be grew more evident to many in the following months and years. To

in the Middle West (Chicago: University of Chicago Press 1960), p. 228.

¹ Ibid., p. 7ff

add fuel to this fire of discord, many residents of the central northern states perceived the war, as did Mason, as largely a New England abolitionist squabble with stiff-necked Southern slaveowners. Since many Midwesterners had roots in the South,¹ such a contest would find many in the Midwest opposing any war fought merely for abolitionist purposes. As John C. Fremont, military governor of Missouri, threatened to liberate all slaves owned within his jurisdiction in 1861, such anti-Northern sentiments had the opportunity to germinate. It would be late 1862, however, before the national administration would fertilize this plant of dissension further by issuing a preliminary proclamation of emancipation. But possibly most aggravating of all to many Democrats was the rank partisanship shown by Republican legislatures and executives in making appointments and drafting legislation.²

All these factors were beginning to agitate Midwestern voters by mid-1861 when Charles Mason was given the Democratic nomination for Governor of Iowa. Nominated un-animously at two separate conventions in July, Mason would have appeared to be in a good position to exploit disenchantment with the war against his Republican adversary, Samuel Kirkwood. Several hidden obstacles, however, lurked in the background to prevent this from occurring. First of all, as the holding of

¹Gray, op. cit., p. 23.

²Klement, op. cit., pp. 23-24.

two conventions suggests, dissension within the Democratic Party continued to plague the state Democracy in 1861. The first convention was labelled the "Mahony Convention"¹, named after the controversial anti-abolitionist editor of the Dubuque Herald, D. A. Mahony who had had much to do with designing the state platform. A second convention was called to de-stigmatize the party platform and slate, separating it from Mahony who had already been tarred in Iowa as a secessionist. Thus Democrats hoped to secure greater accord among party regulars by the second convention. Compounding the problem of disunity within the party was the emergence of a Union Party movement in Iowa in 1861. This movement was in many places the favorite child of Republican governors, used to strengthen partisan support under the banner of bipartisan patriotism and national unity.² Iowa's 1861 Union Party, however, seems to have been as much influenced by Democrats as by Republicans. This fact may be explained by the widespread popularity of Republican politicians and policies in Iowa after 1856, making it necessary for Democrats, rather than Republicans to innovate new strategies and party structures to stay afloat. Unfortunately for Mason, this meant that the Democrats were sharply split between conservatives, who favored Mason's candidacy, and moderates or radicals, who leaned towards naming a Union Party gubernatorial candidate.

¹"Mason Papers", op. cit., Letter from D. F. Miller to Charles Mason of July 27, 1861, vol. 6.

²Klement, op. cit., p. 207 ff.

Even the man nominated to serve as Mason's running mate, Colonel William Merritt, had Union Party sympathies and refused to run on the Democratic ticket with Mason.¹

In addition to divisions within his party, Mason faced stiff opposition from popular incumbent Governor Kirkwood as well as from a hostile press. Kirkwood, an effective stump orator, had vanquished Augustus Caesar Dodge in 1859, and sufficiently intimidated the Democrats in 1861 that friends of Mason actively argued against Mason undertaking a speaking tour of the state.² Since he had been in Washington for a significant portion of the decade preceding 1861, Mason would be deprived through this advice of one of the key public recognition-building methods he needed for success in his campaign. All the same, he considered himself an unspectacular orator, and expected the worst from a verbal duel with Kirkwood so refused Kirkwood's invitation to debate in September, 1861.³

The Republican press also made the political water hot for Mason. Accusing him of being a secessionist,⁴ the opposition alleged that Mason rejoiced in the Union defeat

¹See "Mason Papers," op. cit., Letters from L. R. West and Ben Samuels and D. A. Mahony of September 9, 1861, and September 19, 1861, respectively to Charles Mason, vol. 6.

²"Mason Papers," Letter of R. H. Sylvester to Charles Mason of September 17, 1861, vol. 6.

³"Mason Papers," Diary, September 4, 1861, vol. 47.

⁴"Mason Papers," Letter of W. L. Clark (Black?) to Charles Mason of September 9, 1861, vol. 6.

at Bull Run, and claimed that in light of Mason's In re Ralph decision of 1839, he could not in good faith defend Roger Taney's controversial Dred Scott ruling.¹ In a sense, these allegations were not wholly unfounded. Mason in fact had opposed the Dred Scott decision when first written, since it was premised on "errors (which) are the very matters on which Southern Advocates of slavery extension rely."² As for secession, Mason did oppose secession; though as suggested earlier, he seems to have opposed even more strongly the utilization of force to combat secession.³ Compromise was the only proper method for reconciliation and re-unification to him. Correspondingly, at least after the Confederate attacks on Fort Moultrie in December of 1860, he had shown sympathy for the South in remarking that "The North will see that there is something real in the case" and will compromise.⁴ Such sentiments, however, fell short of defending Southern secession. This he viewed as wrong. As he concluded, the rumor that he was a secessionist arose from his advocacy of peace through compromise.⁵

¹"Mason Papers," Letter of James Pollard to Charles Mason of September 4, 1861, vol. 6.

²"Mason Papers," Diary, vol. 46.

³Willard I. Toussaint, Biography of an Iowa Businessman: Charles Mason--1804-1882 (Ann Arbor: University microfilm, 1973), pp. 293-294.

⁴⁴⁶"Mason Papers," op. cit., Diary, December 27, 1860, vol. 47.

⁵Ibid., June 23, 1861.

The Democratic platform on which Mason ran carried within it similar principles. It condemned secession and stood for re-unification of North and South through compromise.¹ Thus the war should be prosecuted to defend the Constitution and government, but not to subjugate any state or deprive it of its institutions.² Such arguments were not popular in Iowa in 1861. Led by defections to the Union Party of such Democrats as D. O. Finch, William Merritt, William F. Coolbaugh, and Chester C. Cole, the Democratic Party stood in such disarray by August and September of 1861 that all Mason's correspondents throughout Iowa could give him by way of encouragement was the promise that, though defeated that year, he would be in an enviable position within the Iowa Democracy for future contests.³ Stung by maligning criticism, discouraged by pessimistic reports from all over Iowa, and under pressure from a group of Union Party Democrats, Mason withdrew from the gubernatorial race on September 20, 1861 to allow his recalcitrant pro-Union running mate, William Merritt to become the candidate of the Democrats. The move brought only disastrous results. Conservative Democrats repudiated Merritt as a "war Republican"⁴ and bemoaned the fact that Mason's resignation had come too late

¹Gray, op. cit., p. 95.

²Ibid., pp. 93-94.

³See "Mason Papers," op. cit., Letters of J. M. Love, Jesse Williams, and R. H. Sylvester of September 10, 17, and 24, 1861, respectively, to Charles Mason, vol. 6.

⁴"Mason Papers," Letter of Bernhardt Henn to Charles Mason of September 28, 1861, vol. 6.

for successful designation of an alternate conservative candidate before the October election.¹ The fragmented Democracy thus suffered yet another stunning defeat by the Republicans in the Fall elections.

Mason regretted his decision to withdraw from the contest after the aat was done.² Chided by political friends in Iowa, he probably realized too late that in attempting to give the Democrats a candidate they could all support, he had merely deprived the conservative Democratic position of a spokesman. Nonetheless, Mason's motives in withdrawing seem honorable enough: to sacrifice the possibility of his election as governor to the best interests of his beloved Democratic Party. Caught in the cross-fire between pro-Union versus pro-peace Democratic factions in an already Republican state, Mason's was an impossible position. Nonetheless, he showed himself to be something less than a dynamic or decisive candidate and was not given a leading position on the Democratic ticket for the duration of the war.³

One strong factor in shattering Mason's political

¹"Mason Papers," Letter of Ben Samuels and D. A. Mahony to Charles Mason of September 24, 1861, vol. 6.

²See "Mason Papers," Diary entries of September 21, 24, 25, and 27, 1861, vol. 47.

³Mason was not re-nominated for governor until 1867, though he received the party's nomination for a Supreme Court justiceship in 1863. In this race he was defeated, though by a narrower margin than the gubernatorial candidate, General James Tuttle, (John D. Denison, Iowa Democracy: A History of Politics and Personalities of the Democratic Party; 1846-1938, I (Democratic Historical Association, 1939), p. 190ff.

aspirations in 1861 was the strength of the Republican Party organization. As discussed in Chapter II, this party had, through sharp leadership and astute choice of issues, come to completely dominate state politics in the remarkably short span of a decade. Once in control, Republicans took measures to retain it. Through such popular leaders as Samuel Kirkwood and James Grimes, Iowa became among the most strongly pro-Union states in the North.¹ Kirkwood reinforced his position by distributing patronage, including military commissions, only to Republicans or sympathetic Democrats.² Even the pro-war Colonel Merritt, Mason's erstwhile running mate and adversary, was denied a position in the army by Kirkwood.³ In control of both houses of the state legislature, the Republicans also passed self-serving legislation such as the soldier-in-field voting law of 1861. This act allowed the highly politicized Union soldiers from Iowa to vote in the field without returning to their native state, thus providing the Republicans and abolitionists with a substantial number of voters otherwise not available.⁴

¹According to Civil War data figured on a per capita basis, Iowa's contribution to the Union effort in terms of dead and wounded was greater than that of any other state. (David Lendt, Demise of the Democracy: the Copperhead Press in Iowa (Ames: Iowa State University Press, 1973), pp. 73-74).

²Klement, op. cit., p. 30.

³"Mason Papers," op. cit., Letter of George Greene to Charles Mason of September 24, 1862. vol. 7.

⁴Klement, op. cit., p. 218.

But the good fortunes of the Republican Party in Iowa during 1861-1862 were not uniformly experienced throughout the nation. As 1861 slid into 1862, the Union military disaster at Bull Run was succeeded by costly and indecisive military engagements at Shiloh (April, 1862), in the Peninsular Campaign (May-June, 1862), and in the Seven Days Battle (June 25-July 1, 1862). Then in August, the debacle of the first Battle of Bull Run was replayed, with General Pope of the Army of the Potomac getting the Confederates' abuse as his predecessor McDowell had done in 1861. With Antietam, the hopes of the North briefly rallied; but General George McClellan's failure to follow up on his advantage after the main battle prevented the encounter from being a decisive victory for the Union cause. With thousands dead and millions of dollars spent, Northerners began to grow restive of the onerous war and the peace movement gained new life.

Besides the military frustrations of the war effort, Lincoln's preliminary announcement of the Emancipation Proclamation on September 22, 1862, stirred a hornet's nest of criticism in segments of the North where the war had been acceptable only as a crusade to enforce national union. Once the war became a war for Black emancipation it became totally different and, to many, utterly objectionable. What is more, on August 8, Secretary of War Stanton issued an order authorizing the arrest and military trial of anyone discouraging enlistment or perpetrating other disloyal practices.¹ This

¹Gray, op. cit., p. 87.

order paved the way for numerous political arrests of persons merely disagreeing with the Lincoln administration's policies. Dennis Mahony, one of Mason's close political associates in Iowa and editor of the highly partisan Dubuque Herald, as well as Henry Clay ("Dirty Shirt") Dean, were two victims of such extra-legal arrests in Iowa during 1862 and 1863.¹ Mahony contended to Mason that the only purpose for his arrest was to keep him quiet prior to the 1862 election, when peace candidates were expected to make a strong showing.² Since Mahony was released without trial shortly after the election was over, his allegation bears a ring of truth.

Mahony was also right about the prospects of peace candidates in the Fall of 1862. In at least two key Mid-western states, Illinois and Indiana, Peace Democrats made good enough showings to capture both houses of the legislatures of the states. Unfortunately for the Democrats, the advantages in these states were neutralized by Republican governors and succeeding events.³ In Iowa and states of the upper Midwest, Republicans remained dominant in both legislative and executive departments even through 1862. Nonetheless, this was the heyday of "Copperheadism", the denomination given opponents of the war acting from anti-

¹Ibid., pp. 87-88.

²"Mason Papers," op. cit., Letter of D. A. Mahony to Charles Mason of August 29, 1862, vol. 7.

³See comments on the struggles in Indiana and Illinois between Republican executives and Democratic legislatures in Klement, op. cit., pp. 52-66.

abolitionist or pro-compromise principles. The movement gained added momentum after Lincoln's widely criticized Emancipation Proclamation of January 1, 1863. Clement Vallandigham's famous peace oration in Congress on January 14, and the Union defeats at Fredericksburg and Chancellorsville in December, 1862 and May, 1863 fueled the peace movement anew. Proposals were made for a peace convention in Louisville in late 1861. But loud though cries for peace at this and later times were, the cries were not in unison nor were they of the volume of the Republican demands for unconditional military victory. Vallandigham, while favoring peace, opposed armistice and advocated merely peace and reunification through compromise.¹ Others favored peace on virtually any terms the South offered, through armistice and conference. Mason advocated continuation of the war effort, but only to the extent needed for protection of U. S. sovereignty and definitely not either for subjugation of the South or for elimination of slavery in Southern territories. Such disagreement among peace advocates prevented them from securing their objective.

During the period of October, 1861 to July, 1863, Mason devoted most of his energies to his patent law practice and to writing letters and periodic articles condemning abolitionism and the Republican war effort. He was initially encouraged that Lincoln would not make an abolitionist

¹Ibid., p. 116.

crusade out of the war. When, in early November, 1861, he heard that the radical General John C. Fremont had been removed from his post in Missouri by Lincoln for his abolitionist decrees, Mason felt that "It is the first ray of hope that the administration is not trying to abolitionize the war."¹ A visit with Lincoln's Secretary of the interior in late 1861 convinced Mason that at least one member of the President's official family was opposed to the "emancipationists" and, what is more, that Lincoln was "of the same mold".² The first clear sign that these expectations were ill-founded came in April of 1862 when an act emancipating slaves in Washington, D. C. passed Congress and received the President's signature. By late September, the worst of Mason's expectations became a reality when Lincoln announced his plan to issue a proclamation emancipating slaves in rebellious territories on January 1, 1863. Mason's terse reaction was: "The President is out with a proclamation of emancipation, confound him".³

Long before this time, however, Mason had displayed a lack of sympathy with Northern military efforts. After the Union victories at Forts Henry and Donelson in February of 1861, Mason indicated he could "only regret their necessity".⁴

¹"Mason Papers," op. cit. Diary, November 7, 1861, vol.47.

²Ibid., December 5, 1861.

³Ibid., September 23, 1862.

⁴Ibid., February 12, 1862.

In the wake of the terrible struggle at Shiloh in early April of 1862, Mason managed more sympathetic statements for the defeated Confederate forces. He regretted the Confederate retreat from nearby Corinth, Mississippi, yet felt that "it is better for them to have retreated than to have been beaten".¹ Since the Fort Henry-Fort Donelson-Shiloh campaigns were all fought before the Emancipation Proclamation was issued, one must conclude Mason's ambivalence to Union military success was based on more than animosity towards abolitionism; the war did not have abolition as a declared objective until mid to late 1862. Were Mason's convictions so strong against forcing national unity that he could be more sympathetic with Southern military efforts than with Northern? Perhaps. But such a suggestion is incomplete if not coupled with the fact Mason believed that if the North vanquished the South by force of arms, not only the right to secede but precious individual liberties would be thereby suppressed.² Such apocalyptic apprehensions had both rational foundation and wide acceptance among Midwestern Democrats of this period. After all, had not the Republican administration willingly suspended the vital and Habeas Corpus right as early as 1861? Did not this same administration sanction wholesale arrests for little more than exercise of free speech--arrests made in violation of precious first amendment rights? Had not newspapers been closed down

¹ Ibid., May 31, 1862.

² Ibid., November 30, 1863.

and publishers intimidated for voicing opposition to the war effort or even abolitionism? Such questions as these could have easily been raised by men such as Mason, who had experienced the lash of popular threats and demagogic opposition by early 1862. Since the curtailment of these liberties directly paralleled the war effort, Mason's antipathy to Union victory before the Emancipation Proclamation can be better understood. Giving added fuel to the belief Union victory meant loss of civil liberties, was the ancient Jeffersonian principle that individual liberties accompanied state sovereignty while tyranny paralleled strong federal authority. Since the avowed purpose of Lincoln's administration was to restore the Union by voiding the nullification/states' rights heresy, the Republican directed military campaign could only mean curtailment of individual rights to one like Mason who was possessed of Jeffersonian scruples.¹ Accordingly, after the battle of Antietam in September, 1862, Mason recorded in his diary that he hoped the rumors of a great Union victory were not true as "I am more afraid of our friends than of our enemies".² That such a statement could be made when the Confederate armies were within fifty miles of Washington reflects the depth of Mason's

¹See the letter of Charles Mason to George Yewell of November 22, 1868 in which he declared, "A centralized government has taken the place of (the) federal constitution and that central government must necessarily be imperial by whatsoever forms it is controlled." (Yewell, op. cit., pp. 175-176.

²"Mason Papers," Diary, September 15, 1862, vol. 47.

apprehensions. Similarly, on October 13, of the same year, nothing but praise was due J. E. B. Stuart's cavalry for its "wonderful feat" of completely circumnavigating McClellan's army without being caught.¹ And the Union defeat at Fredericksburg elicited a cryptic comment by Mason that, "I hope we shall conclude that this (military coercion) is not the way to mend a broken union".²

The matters thus far discussed have dealt largely with Mason's lukewarm feelings about Union victory before the Emancipation Proclamation. After January 1, 1863, the Proclamation translated the key purpose of the war from national defense to abolition of slavery--or so it seemed to Mason and many other Northerners. After this date, the old Democrat's opposition to Union military exertions became even more strident.

Returning to Iowa in mid-1863, Mason rather courageously went on a speaking tour of the state as a candidate for the state supreme court. By this time public sentiment, never warm toward the Copperheads in Iowa, was turning even more strongly against the pro-peace advocates. In Keokuk, Mason recorded the Democrats were very subdued as the election approached. This doubtless was at least partly caused by the arrest in Keokuk earlier in the year of Henry Clay Dean, an outspoken anti-war Democrat.³

¹ Ibid., October 13, 1862.

² Ibid., December 15, 1862.

³ Ibid., September 10, 1863.

Mason nevertheless felt his speeches went over relatively well and, perhaps relying on the Democrats improved showing in 1862, anticipated that the elections would go well for his party. The contrary occurred in the 1863 election, in Iowa and in virtually every other state in the North.

The reasons for resurgence of pro-war sentiment in mid-1863 are several. A key factor was the success of the Union armies at Vicksburg and Gettysburg in July. The Union Party movement also assumed new vitality in aiding the Republicans in such key campaigns as that against leading Copperhead Clement Vallandigham in his 1863 race for governor of Ohio.¹ A third force instrumental in shaping Republican success in the Fall of 1863 was the very partisan legislation which either gerrymandered hostile anti-war legislators out of their districts (as was done to Vallandigham in 1862) or sought to expedite voting of sympathetic groups by whatever means possible--for example the soldier-in-field legislation mentioned earlier. A fourth factor significantly hampering Democratic chances in 1863 was the overt Republican campaign of censorship and propaganda that sought to stifle opposition while coloring hostile campaign efforts with the tincture of treason.

The importance of this fourth factor both in 1863 and in the presidential election of the following year can hardly be overstated. As has been seen the Iowa Democrats were deprived of one of their leading spokesmen in 1862 when D. A.

¹ Klement, op. cit., p. 209.

Mahony of Dubuque was jailed in Washington while the campaign and election took place. In Ohio, Ambrose Burnside, bearer of Union defeat at Fredericksburg, arrested Vallandigham in April of 1863 for making a speech critical of the administration in violation of a heavy-handed, arbitrary order of Burnside. After a legally questionable military trial, the influential Democrat was ordered confined to prison for the duration of the war. Lincoln intervened at this point and commuted the sentence to exile in the Confederacy, a punishment hardly less cruel and far more humiliating than the original sentence. Vallandigham ultimately escaped to Canada where he felt obliged to remain until mid-1864 when he returned to the States. All told, a rather harsh penalty for affronting a paranoid general's extralegal command. But the Mahony and Vallandigham cases were hardly unusual. After a handful of variously-motivated Democrats attempted to establish a national secret organization called the "Sons of Liberty",¹ a rash of largely partisan exposés filled with manufactured, contradictory, and unreliable evidence began confronting the Northern public with alarming tales of dangerous conspiracies and intrigues among anti-war groups. Actually, the Sons of Liberty had been created to offset the efforts of secret Republican organizations, as well as

¹Efforts at cooperative action between Vallandigham and even more conservative, anti-war "Sons" faltered when differences in goals became apparent. Also the "Sons of Liberty" should be distinguished from the earlier, largely phantasmagorical organizations labelled the "Knights of the Golden Circle" and "The Order of American Knights" (Ibid., p. 175ff.)

to protect civil liberties and to advance Democratic Party interests.¹ Accompanying the exposes by officials in Missouri, Indiana, and finally the national government itself,² many anti-war Democrats were arrested and subjected to military trials in 1864. One such Democrat was Lambden P. Milligan, whose subsequent appeal to the U. S. Supreme Court led to a landmark decision which, at least theoretically precluded for all future times the kinds of high-handed "security measures" taken by the Lincoln administration during the Civil War years.³

As the exposes of 1864 provided excuse for censuring administration critics, so also they allowed ample propaganda for administration supporters who sought to tar war opponents as traitors. So successful was this device in Illinois and Indiana that War Secretary Edwin Stanton ordered Judge Advocate General Joseph Holt to prepare a similar report for issuance prior to the 1864 election. The resulting document, with its depiction of Copperhead secret societies

¹ Ibid., pp. 165-166.

² Ibid., Chapter 6, generally.

³ Ex Parte Milligan, 71 U. S. (4 Wall.) 2 (1866).

Holding that the military authorities trying and sentencing Milligan had no jurisdiction over him as a civilian, the Court declared: "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government." The Court also declared that suspending "the privilege of the writ of Habeas Corpus does not suspend the writ itself," and that a civilian court must therefore still act on an accused person's petition.

as "treasonable in nature, extensive in membership, and revolutionary in character", combined with popular trust of Lincoln and rather devious campaign measures to hand the Railsplitter a resounding triumph in 1864. Propaganda efforts of a more positive nature occurred within the armed forces, where abolitionism and pro-Union sentiments were ingrained as religious dogma into the soldiers.¹

To offset the thoroughgoing censuring and propaganda campaign of the Republicans, the Democrats attempted a variety of measures. As suggested, they unsuccessfully sought to form a national secret organization for information dissemination and propaganda purposes. Samuel F. B. Morse, inventor of the telegraph and old friend of Mason, founded a "Society for Diffusion of Political Knowledge" in February of 1863. The objective of this organization was to circulate pro-peace, anti-abolitionist articles written by leading Democrats, with an eye toward turning public sentiment to the advantage of that party. The organization continued as a Democratic propaganda tool after the war and was served in the 1870's by Mason who acted as its secretary.² Mason's "Address to the People of Iowa" was one entry in Morse's publication. However, perhaps the most effective propaganda device the anti-administration forces possessed came from the arbitrary arrests and police-state tactics followed by administration agents themselves. Though such arrests

¹Klement, op. cit., pp. 214-215.

²"Mason Papers," op. cit., Letter of Edward McPherson Charles Mason of May 23, 1870, vol. 22.

obviously stifled the arrested person, the heavy-handed character of the arrests often spoke louder than words in turning people against the administration. So great was Lincoln's concern about this ill-will that he phased General Burnside, Vallandigham's persecutor, out of action in Ohio before the 1864 election.

Mason seems to have weathered the intrigues and political canards of 1863 with relatively little incident. In November he returned to Washington, D. C. Depressed by the war-time prosperity and joyful anticipation of Southern defeat displayed here, Mason sourly criticized the "fanatics" running the government for holding out for a victory rather than offering generous terms to the Confederates.¹ He stated,

Much as I desire peace, I do not desire it at the cost of the annihilation or subjugation of the Southern people. I hope they will be able to sustain themselves till fair and reasonable terms can be reached by them.²

He concluded that the alternative would be triumph of the fanatics and "overthrow of liberties". Again one detects that the states' rights/individual liberties correlation dominated Mason's thinking. Probably through deep resentment at seeing his beloved political party bloodied, he began showing an almost irrational animosity towards the administration's war effort in early 1864. By the end of 1863, he had resolved for himself that he favored Southern triumph

¹"Mason Papers", Diary, November 30, 1863, vol. 47.

²Ibid.

over the Northern invaders.¹ This was his first such outright declaration of support for Southern victory. His reasons for crossing into this new political watershed are enlightening. First and foremost was his belief that suppression of the South would bring loss of civil liberties and a military dictatorship which would have to be dislodged by bloody revolution.² Only then he concluded, would the people appreciate their liberties for which they had previously sacrificed nothing. Second, he perpetuated Buchanan's argument that a state should not secede, but that it could not be forced to remain in the Union if its people desired otherwise.³ Third, Mason was appalled by Lincoln's friendliness towards Blacks in Washington⁴ and felt that this was but an unseemly indication of the administration's abolitionist biases. Finally Mason considered and rejected the idea that his opposition to the war was based on partisan grounds, feeling instead that it came from simple indignation at the unjust and inhumane excesses precipitated by the war.⁵ These reasons given by Mason for favoring Southern victory reveal his growing concern for civil liberties and dwindling concern over the fine constitutional distinction of whether a state can be forced to remain in the Union. But the irrationality of

¹Ibid., December 28, 1863.

²Ibid., December 20, 1863.

³Ibid., December 28, 1863.

⁴Ibid., January 3, 1864.

⁵Ibid., January 31, 1864.

Mason's position must also be noted. First, he seemed to fail to perceive that constitutional liberties would be greatly impaired if states comprising the nation could decamp from the Union at will. A recognition of the right of secession would both (1) make the U. S. Constitution and Bill of Rights subordinate to states' discretion, undermining the integrity of the Constitution, and (2) allow the states to suspend totally operation of the Bill of Rights within their territories by secession from the nation to which the Constitution applied. The second danger would not have been so great in Mason's day when the Bill of Rights was not yet enforceable against the states.¹ Nonetheless, the healthy restraining influence of a federal Bill of Rights would be eliminated from the states' legal system, making civil rights less secure thereafter.

Mason's loss of perspective also became evident in such comments as one he made in April of 1864, when he expressed a wish the George B. McClellan had overthrown Lincoln's government in 1862 while he still had command of the Army of the Potomac.² Revolution was to him preferable to Northern military victory.³ How a military takeover would advance

¹Chief Justice John Marshall writing for the U. S. Supreme Court had early ruled that the Bill of Rights were intended by themselves only to restrain the acts of the federal government vis a vis individuals' civil liberties. (Barron v. the Mayor and City Council of Baltimore, 32 U. S. (7 Pet.) 243 (1833)). Only through application of the Fourteenth Amendment "due process" clause has the Supreme Court since the Civil War gradually applied various sections of the first eight amendments to the states. See Palko v. Connecticut (302 U.S. 319 (1937)), and Justice Black's dissenting opinion in Adams v. California (332 U.S. 46 (1957)) for articulation of the differing approaches by which the Supreme Court has applied parts of the Bill of Rights to the states through the "due process" clause.

²"Mason Papers", op. cit., Diary April 17, 1864, vol 47,
³ibid., December 6, 1864.

Constitutional government or protect civil liberties is not explained; just as the severing of an arm to save a thumb has never been applauded as the prescription of an astute physician. Mason hoped against hope that Lincoln would be displaced as 1864 Republican candidate by "hook or by crook".¹ He even suggested that had his wealth been in the form of gold he would leave the country were Lincoln re-elected. Not until the sixteenth president's assassination in April, 1865 would Mason indicate any recognition that Lincoln was actually a restraining influence on the Radical Republicans rather than a puppet of their machinations. In 1864, he felt Lincoln's administration was an "empire in embryo".² To counteract live birth of this embryo, Mason even hoped for European intervention on behalf of the South to terminate the war.³ He looked for this event after such a prospect had long since vanished;⁴ but Mason's desperation can be detected in this altogether futile hope. Equally des-

¹Ibid., June 5, 1864.

²Ibid, October 2, 1864.

³Ibid., July 31, 1864; January 8, 1865.

⁴The failure of Confederate efforts to win British or French military assistance had become quite apparent to the Confederate government envoys by the Fall of 1864, when the military setbacks of 1864 (especially at Vicksburg and Gettysburg in July) had convinced British Prime Minister Lord Palmerston that such intervention was not expedient. Since the French conditioned their involvement on British intervention, this decision by Palmerston effectively destroyed Southern hopes for European aid. Roland, op. cit., pp. 123-124.

perate was Mason's observation as late as July 31, 1864 that hopes of defeating the South had always been regarded as "chimerical" by him.¹ When the hope became less "chimerical" in early 1865, Mason gritted his teeth and grimly wished the North would be driven from the South to "let justice be done though the heavens fall".²

Obviously, Mason's emotion-charged diary entries demonstrate a purpose which, if actively advocated from a conspicuous position in public, could have led to his arrest for disloyalty or treason. The fact he conducted a secret correspondence with Confederates in Richmond while Grant was attempting to capture that city³ would hardly have served to absolve him of disloyalty charges. But if his imprudent views were not aired publicly, it was not for lack of opportunity. In April of 1864, Mason was chosen President of the Washington, D. C. Democratic Association.⁴ In May he became a member of the National Democratic Association, and in July he was named to the Executive Committee of the National Association.⁵ These organizations seem to have been primarily involved during the war with disseminating Democratic and pro-peace

¹"Mason Papers", op. cit., Diary, July 31, 1864, vol. 47.

²Ibid., February 19, 1865.

³Ibid., Diary entry, April 12, 1864.

⁴Ibid., April 10, 1864.

⁵"Mason Papers," op. cit., Letter of D. A. Mahony to Charles Mason of July 5, 1864 refers to this appointment, vol. 10.

viewpoints through newspapers and other publications.¹ The groups also seem to have been influential in securing political patronage for the party faithful, as the great number of suppliants' letters Mason received during Johnson's presidency attest. In these official capacities, Mason could have made himself a nuisance to the Republicans had he chosen to advocate the extreme ideas confided to his diary during this period. Instead, Mason seems to have taken a more temperate course publicly. He moderately urged a complete and unqualified post-war amnesty and full restoration under the old constitution until it could be duly amended.² However, unrealistic this desire may have been in light of prevailing public attitudes in the North, it was more marked by conciliatory than by anti-Northern sentiments. Mason had misgivings about McClellan's candidacy in 1864; but, though McClellan in effect repudiated the pro-peace platform, Mason ultimately opted for him as against the "despotic" Lincoln.

Mason had come at least privately to an extreme, almost irrational antipathy for the Republican war effort by 1864. This animosity focused around President Lincoln, who was seen as the inspiration for the "fanatical" pursuit of total victory and abolition of slavery. Partly caused by fundamental ideological differences with administration policy, partly caused by frustration at his own inability to substantially

¹ Reference to such activities was made in the Executive Committee Minute Book, "Mason Papers," op. cit., vol. 52.

² "Mason Papers," Diary, December 31, 1863, vol. 47.

affect the events transpiring around him, Mason sank into a state of at least private negativism and despair. However, despite his sense of alienation, he can be credited with looking ahead and beginning to frame his relatively enlightened attitude towards postwar reconstruction while the war was still in progress. In harmony with his longstanding theme of conciliation and compromise, he hoped that the war would be quickly ended with reunification bringing restoration of rights to the rebels and reconciliation between the antagonists.¹

Mason's extremism during 1864-1865 must be viewed in light of the national events during that period. Suppression of Democrats, election frauds, first dwindling then rising military fortunes of the Union army in Georgia and outside Richmond, all made these gloomy days for a career Democrat like Mason. Although the chances of the McClellan-Pendleton Democratic ticket in 1874 had looked bright at the August convention, timely Northern victories at Atlanta, Mobile Bay, and in the Shenandoah Valley, put Lincoln in a choice position before the election. War-time prosperity, though marked by inflation, likewise favored the incumbent. When McClellan repudiated the Vallindigham peace plank of the 1874 Democratic platform he precipitated a large scale migration of conservatives from the party and put himself in a most unfavorable spot for the November election.²

¹Ibid., January 15, 1865.

²Gray, op. cit., pp. 200-201.

After November, 1864, Southern hopes of a favorable peace vanished and the days until surrender became numbered. As the inevitable became more evident in early 1865, Mason sympathized with the Southerners, "whose only fault is that they were born in the South and imbibed the feelings and notions that education and circumstance rendered inevitable".¹ When the end of the fratricidal combat drew still closer, Mason exhibited just how far he had been driven by the complex and frustrating events of the past four years. Invoking the shade of John G. Calhoun, nemesis of Mason's youthful hero General Jackson, Mason dreaded with the South Carolinian that,

left to ourselves we shall rust
into the tyranny of an uncontrolled
numerical majority which will be just
as unendurable as that of an aristocracy
or a sole despot.²

Thus had the one-time advocate of populism, democracy, and nationalism, been driven to the elitest disunionism of Calhoun by partisanship and nationalistic extremism.

In summary, although he cherished union and felt that a nation must defend itself when attacked. Mason came to view the war effort not as a defensive war but as a war of subjugation aimed ultimately at the twin undesirable goals of tyranny and abolition. The fact that the Civil War was directed by the opposition party contributed greatly to this exaggerated viewpoint, both in fact and fancy. Accordingly Mason was led to an extremism of his own; indiscriminately lashing out at Union victory and Republican oppression alike.

¹"Mason Papers", op. cit., Diary, February 10, 1865, vol. 47.

²Ibid.. March 26. 1865.

Within a month, the war was over and the target of so much of Mason's venom had likewise become the tragic target of an assassin's bullet. A new phase of the nation's history commenced. Like the great historical struggles that Mason had witnessed during the Jacksonian, pre-Civil War, and Civil War periods; this new era, the Reconstruction Period would bring great debates and vast power struggles--and would call for Charles Mason once again to lend his services to the cause of the Democracy.

CHAPTER IV.

RECONSTRUCTION AND THE EROSION OF PARTY LINES.

Before his assassination, Lincoln had been forced to pioneer the treacherous wilderness of post-war Reconstruction policy which later provided the battleground for national constitutional confrontations. With the capture of New Orleans in April of 1862, the sixteenth president was called upon to devise a policy for re-unification of the seceded state of Louisiana with the Union. Choosing to procrastinate, he deferred to General Benjamin Butler's early idea of granting general amnesty to rebels who took an oath of allegiance to the U. S. government.¹ The oath-takers were then allowed to vote for Congressional representatives, making Louisiana the only Deep South state to be represented in Congress during the Civil War.

It was not until late 1863 that Lincoln articulated his own policy towards Reconstruction. Here, though not going as far as Butler in granting amnesty, Lincoln showed an attitude of reconciliation later immortalized in his phrase "with malice towards none, with charity for all". Under a Proclamation of December 8, 1863, Lincoln declared a general amnesty extending to all taking an oath of allegiance to support the U. S. Constitution, with certain classes of persons, notably confederate officers above the rank of colonel and civil officials of the C.S.A., being excluded from the scope of the amnesty. Under Lincoln's plan a government duly chosen by oath-takers constituting ten

¹ John Hope Franklin, Reconstruction; After the Civil War (Chicago: University of Chicago Press, 1961), p. 16.

percent of the votes cast in the 1860 presidential election for that state, would be entitled to presidential recognition. All states but Virginia, which already had a recognized "government in exile" in Alexandria, were covered by the Proclamation.¹ To underscore the leniency of these provisions, Lincoln rapidly began granting executive pardons even to those persons expected from the general amnesty of the Proclamation. Together with other aspects of the Lincoln program, Johnson after the war incorporated Lincoln's liberality in granting pardons into his policy towards reconstruction--to the chagrin of many Radical Republicans in Congress.

But while Johnson adopted aspects of Lincoln's Reconstruction program, Congress had earlier expressed its opposition to any generous Reconstruction policy. Refusing to seat representatives chosen from "Lincoln states"², criticism was first formally aired to Lincoln's policy in the Wade-Davis Bill of July, 1864. This measure, pocket-vetoed by the President, would have required a majority of enrolled White males to take an "iron-clad" oath of allegiance before

¹The government in Alexandria which was headed by Governor Francis H. Pierpont, was considered vested of sufficient authority by the Lincoln administration to warrant treating the Pierpont government's approval of creation of a new state of West Virginia, sufficient to fulfill the constitutional requirement that a mother state approve creation of new states carved from its territory (Ibid., p. 22).

²That is, states reconstructed under the Lincoln plan for restoring rebellious states to full participation in the Union.

a government chosen by the citizenry could be recognized by Congress.¹ The oath required not only a declaration of allegiance to the U. S. but an avowal that the declarant had never borne arms against the United States or given aid to persons in rebellion. On the heels of this rather severe measure, Radical Republicans issued a Manifesto through Horace Greeley's New York Tribune, which castigated the chief executive for vetoing the bill and declared that he must learn "the authority of Congress (as bears on Reconstruction matters) is paramount and must be respected."² Such was the tossed gauntlet of Congressional supremacy that Johnson picked up less than a year later when he became president.

Lincoln and such Radical leaders of Congress as Representative Thaddeus Stevens of Pennsylvania and Senator Charles Sumner of Massachusetts, had differences on reconstruction strategy before April 14, 1865 when John Wilkes Booth cut short Lincoln's life. Nonetheless, on the day before his death, Lincoln displayed the kind of flexibility that distinguished him from his successor when he intimated to cabinet members that he would consider ideas for military occupation of the South and terms of reconstruction less lenient than he had previously advocated.³ Here Johnson showed himself to be of a wholly different nature. Had he been dealing with a less obstinate or purposeful Congress

¹ Franklin, op. cit., p. 20.

² Ibid., P. 21.

³ Randall and Donald, The Civil War and Reconstruction (2d ed., Boston: D. C. Heath and Co., 1961), p. 518.

his own inflexibility might have been less harmful to national harmony and Republican fortunes. But Stevens and Sumner were men committed to both abolitionist and retributive principles. The seventy-five year old Stevens declared in 1867 that he wished to devote "the small remnant" of his life to "the punishment of traitors".¹ Amnesty was to him anathema. Thus when Johnson singlemindedly attempted to reconstruct the Union along lines comparable to those set forth in Lincoln's 1863 Proclamation, sparks quickly began to fly.

Just as the objectives of Lincoln had been obscure to many Peace Democrats during the war years, so immediately after the war, Charles Mason and others of his persuasion viewed Andrew Johnson with great suspicion. Ironically, in light of Lincoln's long alienation from the peace advocates, Mason actually regretted his passing. Two days after the assassination he remarked, "We had begun to have hope for Mr. Lincoln. At all events, his life was the only barrier between us and those we feared might prove objectionable."² Equally ironically, Mason speculated that the assassination might have been promoted by Andrew Johnson in league with Radical Republicans.³ However bizarre such speculation may seem a hundred years later, the political instability and extreme measures followed by supposedly responsible officials during the war go far in explaining Mason's speculation. Furthermore, in both word and deed preceding and immediately following

¹ Ibid., p. 569

² Charles Mason Papers, (MSS in Iowa State Historical Building, Des Moines, Iowa), Diary entry of April 16, 1865, vol. 47. Hereafter this collection is referred to as "Mason Papers".

³ Ibid.

Lincoln's death, Johnson appeared to be of one mind with the Radicals. His wartime conduct as military governor of Tennessee, where he had acted with relative moderation but still had resorted to "arrest, seizure, and other severe measures",¹ caused enough distrust among some Northern Democrats that as late as September, 1865, Dennis A. Mahony, the outspoken Dubuque editor, could still not place confidence in him.² After he became president, Johnson quickly announced he regarded rebellion as treason and should be punished as such.³ To suspicious Democrats, such expressions could easily have placed Johnson in the category of co-conspirator with Radical Republicans.

But Johnson's roots were Southern, and his dislike for Radical goals of abolition gradually inched him away from the Congressional Radicals. Although he shared their desire for unity and freedom, he rejected their zeal for racial equality and a dominant national government.⁴ As a Southerner, and former Democrat at that, he had no particular desire to see fellow Southerners degraded and humiliated after their defeat in the War. Accordingly, in late May, 1865, he issued a proclamation of amnesty that resembled Lincoln's Proclamation of 1863; though Johnson's amnesty decree excluded from its

¹Randall, op. cit., p. 516.

²"Mason Papers," op. cit., Letter of D. A. Mahony to Charles Mason of September 16, 1865; see also letter of J. Bayard Thomas to Charles Mason of September 7, 1865, vol. 12.

³Randall, op. cit., p. 558

⁴Ibid.

coverage "all person...the estimated value of whose taxable property is over twenty thousand dollars."¹ In the following weeks, the new president established a policy for re-admission of rebellious states that allowed recognition upon due creation of constitutional governments by "that portion of the people... who are loyal."² By the end of July, this presidential go-ahead had been given to all the then unrestored states; North Carolina, Mississippi, Georgia, Texas, Alabama, South Carolina and Florida.

Johnson's generosity towards the South won him the praises of many of his present party's old foes. By late May, Mason had begun to feel that Johnson was "reasonable, just and moderate".³ In mid-June, Mason had one of several conferences he held with the seventeenth president. At this particular meeting, the representatives of several Southern states were also present. Afterwards, Mason recorded,

The President was very free and friendly, gave us all the assurances we could desire, declared his adherence to the old Democratic faith, expressed his apprehension of the danger of centralization, said it was a white man's government and that state's rights should be preserved.⁴

¹Franklin, op. cit., p. 29. Johnson's plan to exclude from his amnesty decree those with above \$20,000 net worth may have been a reaction against the wealthy Southerners who had snubbed Johnson as a social inferior in antebellum days. Ostensibly, however, the exception was premised on the notion that those with wealth had precipitated and then subsidized the war of rebellion.

²Ibid., p. 31.

³"Mason Papers," op. cit., Diary, May 28, 1865, vol. 47

⁴Ibid., June 18, 1865.

Such guileless statements by the titular head of the Republican party were only aggravated by his open declaration of hostility against Northern Radicals to his Southern and Democratic callers. Such political blunders as this were repeated later, in February, 1866 at a political rally at the White House when he lashed out personally at Thaddeus Stevens, Charles Sumner, and Wendell Phillips as "men--I care not by what name you call them--who...stand opposed to the restoration of the Union of these states", and who were not satisfied with the assassination of Lincoln but wanted now to "destroy our national institutions".¹ Small wonder that relations between Capitol Hill and the White House deteriorated rapidly.

Obviously, more than personal insults were involved. As Johnson more and more strongly championed quick and clement Reconstruction, his relations with the Republican Congress worsened and those with Democrats and Southerners improved. In this process, Charles Mason played a prominent role as lobbyist for the Democratic and Southern interests in the White House. As mentioned in Chapter III, Mason had been named to the Executive Committee of the National Democratic Association during the war. By mid-1865, he was elected to the presidency of the executive committee,² in which capacity he became answerable to Democrats across the nation on matters of national political strategy, procurral of patronage and design of party policy. His selection for this central position in the Democratic hierarchy suggests several

¹Randall, op. cit., p. 518

²"Mason Papers," op. cit., Letter of John R. Conway to Charles Mason of September 16, 1865, vol. 12.

things. First of all, many of the extreme, almost pro-South attitudes confided to his diary in 1864-1865 had not been publicly advertised. Had they been, it seems likely not only that Mason would have been arrested as suggested earlier, but also that he would have suffered the ignominious fate of Clement Vallandigham of Ohio, who was ostracized by so many that the few who understood or sympathized with him dared not politically associate with him.¹ Similarly, Mason's selection indicates that he was viewed as a temperate, publicly acceptable, yet astute figure who could direct a disrupted party with a level head while maintaining strong partisan objectives. Third, Mason's election suggests that he was still in 1865 a well-respected Democrat with a national and not merely state-wide reputation. Doubtless, his many years in Washington, together with his contacts in New York tracing back to the Jacksonian era, did much to establish his national reputation, despite the absence of any popular electoral victories in Iowa.

As president of the National Committee, Mason was happily situated in a post suited to his particular political talents. Never a "man of the masses" like Samuel Kirkwood or Abe Lincoln, Mason lacked both the oratorical flair and common touch required of an effective frontier politician. Yet he possessed a keen, aggressive mind, together with the appetite for hard work and ability to make compromises needed of a party leader. Furthermore, with a few notable exceptions,

¹See discussion of the 1866 Philadelphia Convention, p.114.

Mason possessed a sense of political perspective and moderation that well-served one faced with the mamor and monor crises of political leadership. His revulsion to both abolitionist and Southern fire-eater, as well as his earnest desire to compromise the serious national differences lying behind the Civil War, underscored Mason's moderate politics. In short, he was a good organizer, as adept at coming up with ideas and advancing party objectives as he was inadroit at stump oratory and frontier politicking.

Given his post, Mason set about to help re-build his shattered party. By July 2, 1865, he was talking about forging a coalition of Democrats, "old line Whigs", and Southerners under the leadership of Andrew Johnson.¹ This ambition, shared by many fellow Democrats before the spate of congressional Reconstruction measures began emerging from the Thirty-Ninth Congress in December, 1865, served as one cause for the Congressional Reconstruction measures. Fearing that such a coalition would not only deprive them of control of Congress but would render nugatory most of the gains potentially won through the war, Radical Republicans began drafting a Reconstruction policy that would prevent such a new Democratic coalition from emerging. Denying seats to congressional representatives from states reconstructed under Johnson's policies was a first step. This was done as soon as Congress re-convened in late 1865. Without the Southern congressional delegation, Congress was dominated by Republicans. Next the Republican body established a congressional joint committee of six senators and nine representatives to review all

¹"Mason Papers," op. cit., Diary, July 2, 1865, vol. 47.

Reconstruction proposals. Vengeful but powerful Thaddeus Stevens, leader of the Congressional Radicals, became chairman of the body, reflecting the anti-administration bias which the committee would come to show in following days. A third measure taken by Congress to advance the Radical program and preclude Southern re-entry into the Democratic coalition was passage of the Freedman's Bureau bill in early 1866. The Freedman's Bureau, established late in the war and presided over by fair-minded General O. O. Howard, was intended not only to provide recently emancipated Blacks with land, education, and other political necessities;¹ but by the 1866 bill, became authorized to enforce emancipation on the Southern states by interfering with enforcement of the "black codes" passed by Southern state legislatures in 1865.² Passed in a spirit of compromise, the act would have allowed Southern civil governments to continue operating and Northern military occupation to be virtually eliminated. Since both were objectives of the Johnson administration, it was hoped the bill would be signed by the President. When he vetoed it, he began to drive the moderate Republicans in Congress into the arms of the congressional Radicals. Perhaps not realizing Johnson's immoderacy was making enemies

¹Robert W. Johannsen, ed., Reconstruction, 1865-1877 (New York: The Free Press, 1970), p. 119 ff.

²Randall, op. cit., p. 578.

of vital congressional friends, the veto was greeted with nationwide enthusiasm by many of Mason's correspondents who regarded the veto as a declaration of war against the Radicals' position.¹ Moderation was not the keynote of these writers' politics: former Senator George Wallace Jones for example, suggested Johnson might combat Radical refusal to recognize the Southern congressional delegation by himself refusing to recognize or deal with Congress until it did.² Mason himself, sensing the direction the political wind was blowing, in early February had helped organize a Washington movement to give support to Johnson in nudging him towards a conservative, Democratic position.³

Radical domination of Congress had sufficiently matured by February to override Johnson's veto in April of 1866 of the Civil Rights Act. This act, the fourth congressional measure designed to control reconstruction, sought to prevent Democratic resurgence and to guarantee Southern Blacks certain basic rights of citizenship, such as were subsequently embodied in the Fourteenth Amendment to the Constitution.⁴ In merely guaranteeing Black Southerners those civil rights (excepting the vote) which were enjoyed by White Southerners,

¹Mason Papers, op. cit. Letter of James F. Noble, Isaac Jones, George Wallace Jones, and D. A. Mahony of February 21, 28, March 4, and April 4, 1866, respectively, to Charles Mason, vols. 13 and 14.

²"Mason Papers," o. cit., Diary March 11, 1866, vol. 14

³Ibid., February 4, 1866.

⁴Samuel Eliot Morison, The Oxford History of the American People (New York: Oxford University Press, 1965), p. 715.

the act seemed reasonable enough to moderate Republicans to cause them to join with the Radicals in overriding the President's veto of the measure.

Although the 1866 Civil Rights Act and corresponding veto drove moderate Republicans into a loose alliance with Radicals, it also raised an issue which ultimately helped chase many more conservative Republicans such as Iowa's Senator James Grimes and Fitz Henry Warren away from their party. This issue was the question of Black equality. As distinguished from the issue of Negro suffrage which became a hot one in 1867 and 1868, the question of whether Blacks should be given the same rights to education, employment, access to courts, and enjoyment of civil liberties as Whites enjoyed, stirred considerable controversy in the North as well as South during Reconstruction. As was suggested in Chapter III, Mason and many other Democrats opposed Lincoln's Emancipation Proclamation as a measure directed at "abolitionizing" the war. Beneath this argument lay the deeper and more malevolent belief that the Negro race was inferior to the Caucasian, and that measures aimed at breaking down racial barriers violated natural law and civilized society. It is a dark blemish on his record that Mason, ordinarily a man of reason and egalitarian principle actively participated in propagating the racial prejudice and hatred that already had such a hold on the minds of Americans less intelligent than himself. In a speech prepared during the Civil War period and entitled "To the People of the United States", Mason declared:

They (the Radical Republicans) now propose an unnatural injecting into our political system of an order of beings whose dwarfed intelligence, whose brutal instincts, whose servile habits and training for untold centuries, have fitted them to be the submissive instruments of any power that once establishes the mastery over them.¹

In another address of this period he derided Black equality as inevitably leading to the election of a Black president, emergence of a Black dominated military and, finally, miscegenation and "the disgust ... which will thus be produced."²

When in 1865 the issue of Black suffrage came before the Iowa voter, Mason felt so strongly against suffrage that he pledged to D. C. Lawrence, his patent law partner in Washington, that he would leave Iowa if Negro suffrage were not repudiated. The Republican William M. Stone defeated anti-suffrage Thomas Hart Benton, Jr. in the gubernatorial contest that focused on the suffrage issue, and Mason did leave Iowa--at least for a time. In the same year, when reflecting on the possible presidential candidacy for U. S. Supreme Court Chief Justice Salmon Chase, Mason stated that Chase's advocacy of Black equality was in

direct antagonism...to one of our Democrats') cardinal notions. We want no intermixture of African civilization in our system. The negro is an exotic and cannot be₃ successfully assimilated in our system.

Mason defended his racism on grounds of both personal observation (that Blacks had always been servile) and science.

¹"Mason Papers," op. cit., vol. 44.

²"Mason Papers," "Negro Equality and its Consequences" (speech) vol. 44.

³"Mason Papers," (speech) op. cit. Diary, June 8, 1868, vol. 48.

Citing the lectures of a "Professor Agapir", he contended that Blacks were as inferior to Whites as chimpanzees were to Blacks, and concluded that prejudice is the "voice of God speaking through our own instincts. It is a provision of nature to preserve the purity of the White race."¹ Such emotion-charged rationalizations may have been understandable when coming from an uncritical backwoods demagogue; but they hardly befitted one possessing Mason's education and political sophistication. How then can this racism be explained? First of all, Mason's views on race were neither unusual nor widely disclaimed among Northern Democrats or even Republicans. For reasons ranging from economic necessity to social tradition, many Northerners regarded Blacks with every bit as much fear and loathing as may have been felt for them in some quarters in the South. Indeed, in 1867, the traditionally Republican German voters of Iowa began rebelling against their party's leadership due to its support of Negro suffrage.² Thus Mason would not have been daunted from espousing patently racist sentiments on grounds of social unacceptability. Furthermore, his contact with Blacks and observations of them would have consistently found them in degrading conditions of slavery or servitude--not likely to generate respect from a sometimes smug, self-made man like Mason. Yet Mason's personal contact with Blacks in

¹"Mason Papers," op. cit., "Negro Equality and its Consequences", vol. 44. Mason read, and was enormously impressed by Darwin's Origin of the Species and The Descent of Man. However these works could not have influenced his thinking of the immediate postwar period for he didn't read the English scientist's works until 1873. ("Mason Papers," op. cit. Diary, March 15, and 26, 1873. vol. 49).

²"Mason Papers," op. cit., Letter of George H. Parker of Davenport to Charles Mason of July 3, 1867, vol. 20. Davenport, where

Iowa would have been slight; so independent of his experiences in Washington, he would have had little opportunity to develop the sort of hardened attitudes about race he articulated. Indeed, his opinion in In re Ralph, discussed in Chapter I, suggested Mason's attitude towards Blacks during his early days in Iowa was at least mildly sympathetic with the civil rights of Blacks.¹ The fact of the matter seems to be that the political developments of the 1850's and Civil War period forced Mason into a position of opposition to those defending the rights of Blacks; namely, the Republican Party and its abolitionist wing. As he came to identify abolitionism with the war and loss of civil liberties, those who were identified with abolitionism suffered by association. The process thus initiated simply worsened with continued exposure to those with like sentiments in both North and South during and after the war. As stories of "Negro insolence"² and indolence sifted north from his Southern brethren during the Reconstruction period, Mason's attitude could only have calcified against the Blacks. Beyond this explanation, Mason's opposition to equal rights and enfranchisement for the Blacks would be hard to explain. Not only did his early Ralph opinion point in the opposite direction, but his continuing sympathy with the rights of another disenfranchised minority,

¹See discussion of the Ralph opinion in Chapter I, pages 18-22.

²"Mason Papers," op. cit., Diary, December 17, 1865, vol. 47.

namely women, during the post-Civil War period¹ also suggests his feeling towards Blacks was an anomaly produced by unusual circumstances within his overall ideological framework. In this way, his attitude towards Blacks was shaped by the same frenzied war-time forces that cultivated his almost irrational hostility to the Republicans.

In any event, by the middle of 1866 Mason and a number of other leading Democrats had become sufficiently convinced that President Johnson's attitudes regarding Reconstruction reflected their own that they called a political convention largely for the purpose of building a coalition of Democrats, Southerners, and conservative Republicans behind the policies of Andrew Johnson. In late July, Mason had become corresponding secretary of the National Union Executive Committee which was formed of two prior pro-Johnson clubs in the nation's capitol.² The purposes of this organization and of the Philadelphia convention it helped organize, were to encourage Johnson in his policy of resistance to the Radicals, as well as to re-vitalize and expand the Democratic Party.

Johnson's retention in the cabinet of such Radicals as Edwin M. Stanton alarmed many Democrats, and as late as

¹In January of 1872, Mason attended a women's rights convention which he sympathetically reported was "well-attended and prosperous" (Ibid., January 11, 1872). At this relatively early time, he seems to have favored women's suffrage. Such was consistent with his earlier policy towards employment of women in the patent office discussed in Chapter II.

²"Mason Papers," op. cit., Diary, July 22, 1866. vol. 47.

March , 1866, Mason, still strongly partisan in his objectives, was fearful Johnson would continue to side with Republicans, rather than ally himself with the Democrats.¹ Although the Philadelphia convention offered an effective show of solidarity behind Johnson and publicized the conservative position on Reconstruction, it did not succeed in winning Johnson over to the Democratic Party and was largely neutralized in its positive effects by the President's ill-fated speaking campaign throughout the North in September of 1866.² Furthermore, the convention caused some bad blood between Democrats, some of whom felt that Johnson's policies did not deserve their support because they fell short on vital goals, like total restoration of civil authority in Southern states.³ The virtual exclusion from the convention of Clement Vallandigham, who still bore the unpopular fragrance of a "secessionist", irked some Democrats who viewed his absence, however practical,⁴ as

¹ Ibid., March 14, 1866.

² On this tour, Johnson again lowered himself to "back alley" oratory, swapping insults with often hostile crowds he encountered. Such tactics both overshadowed his political purposes and lowered the esteem many may have previously borne for him as President.

³ "Mason Papers," op. cit., Letters of Oscar Stephenson and D. A. Mahony of January 2, 1867 and September 16, 1865, respectively, vols. 18 and 12, respectively.

⁴ Mason wrote a very persuasive letter to Vallandigham urging him not to attend the Philadelphia convention on grounds that his presence would divide Democrats at a crucial juncture, adding that Vallandigham might be better off to wait until the South was stronger at which time he could vindicate himself in the national eye. Nonetheless, Mason concluded, he would "stand by" Vallandigham if he chose to attend the convention. (Mason Papers," op. cit. Letter of August 5, 1866, vol. 15).

unprincipled.¹ Consequently, despite the efforts of Mason and like-minded Democrats, 1866 wound to a close without Andrew Johnson clearly tied to the Democratic Party and with Congress and the President sliding into ever-worsening relations with each other.

With Congress falling under the control of Radical Republicans and with the President stridently opposing the Radicals' program, 1867 promised to be a turbulent year. It was. In January, Congress gave itself power to determine the duration of its sessions; in March, the first and second Reconstruction Acts were passed, dissolving any lingering faith in Presidential Reconstruction and authorizing temporary military domination in the South for the promotion of Congress' Reconstruction policies.² The Tenure of Office Act, which later gave Congress its justification for impeaching Johnson, was passed on March 3 over the President's veto.³ Such vetoes were also met and overcome on two Reconstruction Acts of March, 1867. The Third Reconstruction Act of July, 1867, and the fourth such act of early 1868 were subsequently passed as efforts to clarify the first two measures.

¹"Mason Papers," op. cit., Letter of D. A. Mahony to Charles Mason of August 31, 1866, vol. 15.

²Randall, op. cit., pp. 597-599; see also Johannsen, op. cit., p. 89 ff.

³It is one of American history's ironies that Edwin Stanton, center of controversy in 1867-1868 under the Tenure Act, should himself have strongly urged Johnson's veto of the act in 1867 on the grounds that the act clearly violated constitutional prerogatives of the president. (Randall, op. cit., p. 603; also see Robert Selph Henry, The Story of Reconstruction (Indianapolis: Bobbs-Merrill Publishing Co., 1938), p. 306).

Meanwhile, 1867 brought Mason a second nomination by the Iowa Democrats for governor. After returning to Iowa in April, Mason had been nominated and had begun running an active race for the state's highest office by mid-1867. He was somewhat relieved to get away from Washington: he complained that he was weary of "obtaining patents and humouring the ignorance and caprice of persons in office."¹ Also, he hoped to escape the office-seekers that badgered him constantly in Washington during the 1865-1867 period. He claimed that over fifty percent of his time during the year preceding April, 1867 had been spent with gratuitously helping people find jobs.² Obviously he was charitable but not compulsively so. In any event, his life back in Iowa was hardly quiet.

Following a different strategy than he had pursued in 1861, Mason conducted a vigorous speaking tour throughout the state.³ Impaired by a sluggish state Democratic Central Committee, Mason had the strong support of many old war-time Democrats, including Henry Clay Dean and George Wallace Jones. It will be remembered that Jones, one of Iowa's first U. S. Senators, had sought Mason's removal as patent commissioner in 1857 on charges of party disloyalty. Now Jones whispered

¹"Mason Paper," op. cit., Diary, April 7, 1867, vol. 48.

²Ibid.

³Ibid., October 3, 1867, Mason commonly spoke for one to two and one half hours at a time according to his diary of September 14, 1867.

sweet nothings in Mason's ear, such as the following:

You have worked hard for our party
for many years and shown yourself worthy
of the distinguished honors conferred upon
you and I hope you may be amply rewarded
for your able and faithful services.¹

He tendered his services to Mason in the campaign and advised the gubernatorial candidate to make Black suffrage, economy in government, and Republican tax exemption of government bonds (largely held by wealthy Easterners) his key campaign issues. At least so far as Black suffrage goes, George H. Parker of Davenport also encouraged Mason in this direction, arguing that traditionally Republican German voters clustered in Davenport were becoming increasingly hostile to Black suffrage. Parker urged Mason to campaign against the Black vote and for an eight hour day, reform of government, and elimination of the national bank.² The state party platform itself raised the issue of Reconstruction, in favoring re-admission of rebellious states on moderate terms; while also opposing tariffs and prohibition.³

Unlike the 1861 election, Mason did not wax optimistic about his chances for victory but rather aimed at simply reducing the Republican majority throughout the state.⁴ Here he accomplished his objective. Though not winning the race, he lost by somewhat over 27,000 votes statewide and

¹ "Mason Papers," op. cit., Letter of George Wallace Jones to Charles Mason of July 3, 1867, vol. 20.

² "Mason Papers," op. cit., Letter of George H. Parker to Charles Mason of July 3, 1867, vol. 20.

³ John D. Denison, Iowa Democracy: A History of Politics and Personalities of the Democratic Party; 1846-1938, I (Democratic Historical Association, 1939) p. 190 ff.

⁴ "Mason Papers," op. cit., Diary, October 3, 1867, vol. 48.

led the Democratic ticket in terms of votes received.¹ He felt the Iowa Democracy had done as well in making gains against the Republicans as had the Democratic tickets in any other Northern state.² He was further heartened by gains in Pennsylvania as well as Ohio, where both houses of the legislature went to the Democrats and thereby assured election of a Democratic U. S. Senator. As the days passed and election reports from other states filtered in, Mason welcomed news from New York, Massachusetts, and Kansas, where the electorates seemed to be turning against the "jacobins", as he labelled the Radicals.³

While the nation voted, Congress was setting in motion the procedure for felling the last formidable obstacle to congressional domination of the national government. Through his exasperating obstinance and inflexability, Johnson had driven even moderate Republicans into the fold of the Radicals and now the Radical leadership sought to remove the President by impeachment. As early as October, 1866, Mason had perceived that Johnson was drifting "along to his own ruin".⁴ Now that ruin grew dangerously close. Initially, the impeachment efforts were abortive. A resolution supporting impeachment was approved by a strongly split House Judiciary

¹Denison, loc. cit.

²Ibid., October 14, 1867.

³Ibid., November 12, 1867.

⁴Ibid., October 17, 1866, vol. 47.

Committee in late 1867; but was rejected by the House of Representatives as a whole, thus reflecting the continuing influence of moderate, more far-sighted voices in that body.¹ These voices could also be heard in the Senate in early 1868 when a bill was entered that would have mandated that the Supreme Court muster a two-thirds vote of the justices before declaring an act of Congress unconstitutional. The bill passed the House but was stymied in the Senate. Nonetheless, when President Johnson attempted to dismiss Secretary of War Edwin Stanton in apparent defiance of the Tenure of Office Act, even the moderates in Congress came to the conclusion that the President had acted against the law and had committed a "high misdemeanor". The impeachment process itself, nonetheless, bore the mark of Radical influence. Following the novel procedure of first finding impeachable conduct and only then deciding what that conduct was in the articles of impeachment, the House ultimately impeached the President in March of 1868 on eleven different charges which alleged basically four things: (1) that Johnson had committed an impeachable act in removing Stanton without Congressional approval; (2) that he had so acted in supervising the activity

¹Taking what might be labelled the "revisionist Approach" to the Johnson impeachment, Michael Les Benedict has recently argued that the Impeachment process of Johnson was not dominated by wild-eyed radicals but that Congressional moderates prevailed to bar impeachment until such time as Johnson clearly violated the law and performed impeachable acts. (Michael Les Benedict, "A New Look at the Impeachment of Andrew Johnson", Political Science Quarterly, LXXXVIII (1973), 349-367).

of the military in the states to be reconstructed; (3) that his opposition to Congressional Reconstruction warranted impeachment; and (4) that his public criticism of Congress justified his impeachment.¹ Clearly, all these acts, save violation of the Tenure of Office Act by removal of Stanton were within the Constitutional prerogatives of Johnson. If a president could not criticize Congress or command the military, he would be stripped of two of his greatest powers; one political, the other diplomatic. In a sense, these charges reflected the extreme, albeit somewhat warranted, anxiety of many members of Congress over the inflexibility of the President. Both parties, President and Congress, were somewhat to blame for the extreme character of the impeachment allegations: Johnson by his uncompromising obstinance, Congress by the stubbornness of its Radical leadership.

As for the Tenure of Office Act allegation, although the President had violated the law, his intent to judicially attack the act as unconstitutional by first violating it, followed an accepted pattern for challenging judicially the constitutionality of a law. Hence Congressional impeachment on this score was at least questionable. This and other arguments² were offered by Johnson's advocates in Congress while blustery and unscrupulous B. F. Butler of Massachusetts

¹Randall, op. cit., p. 608.

²Johnson's counsel also argued that the legislative intent behind the Tenure of Office Act was to allow Johnson discretion to remove his Secretary of State of of War--an argument supported by the text of the debates on the Act, if not by the motives in fact of Congressional drafters of the Act. (Randall, op. cit., p. 612).

headed the House team prosecuting the case before the Senate. Mason attended part of the Senate trial and was relieved both by the weakness of the House case against Johnson¹ and by the "disposition towards fairness" prevailing in the Senate as the articles were considered.² Salmon P. Chase, as Chief Justice of the Supreme Court and the presiding officer, contributed largely to this circumstance.³ Nonetheless, when the vote was taken on Articles Two, Three and Eleven during May, 1868, all three articles failed of passage by only one vote. At this point, on May 26, the Senate adjourned sine die, or "without date" for reconvening. Of those voting against conviction, seven had been Republicans and one was James Grimes, Mason's old business associate from Burlington and the father of the Iowa Republican organization. After his vote against impeachment, Grimes was subjected to extreme criticism from fellow Republicans and finally, in broken health, resigned his seat in the Senate and departed for Europe for a prolonged cure.

It was while Grimes was in Europe in 1871, that Mason contacted him about running for governor of Iowa. As Mason said, "You will hardly be expecting a letter from me and still less one of the kind I now write."⁴ The old

¹"Mason Papers," op. cit., Diary, April 5, 1868, vol. 48.

²Ibid., April 26, 1868.

³Charles H. Coleman, The Election of 1868: The Democratic Effort to Regain Control (New York: Octagon Press, 1971), P. 79.

⁴"Mason Papers," op. cit., Letter from Charles Mason to James Grimes of February 9, 1871, vol. 23.

Democrat went on to suggest to the old Republican that the political union of Democrats and Grimes' followers would serve "useful results rather than visionary impracticalities", and argued that his own and Grimes' attitudes did not differ widely on issues of key importance. These, Mason suggested, included rehabilitation of all states via universal amnesty, reduction of tariffs, alteration of the policy whereby war bonds were paid off with premiums rather than by paper at par, taxing of railroad property the same as other bonds, and restraining the "worse than feudal system" of "lordly corporations" and "poverty stricken vassals".¹ Although Grimes rejected the proposal on grounds of health, he encouraged Mason to the extent of prophesying that the Republican Party was destined to be overthrown because of the failure of its Reconstruction program, coupled with its support of an "enormous" tariff and Negro suffrage.² The corruption of President Grant's administration coming to office in early 1869 undermined further the Republicans' position in Grimes' estimation.

Mason's communication with Grimes was neither disloyal to his party nor an isolated act foreign to its historical context. Instead, Mason's correspondence with Grimes and such other traditionally Republican stalwarts as Carl Schurz of Missouri,³ and Fitz Henry Warren of Iowa,⁴ reflected a

¹ Ibid.

² "Mason Papers," op. cit., Letter from Grimes to Charles Mason of February 27, 1871, vol. 23.

³ "Mason Papers," op. cit., Letter from Charles Mason to Carl Schurz of February 11, 1871, vol. 23.

⁴ "Mason Papers," op. cit., Letter from F. H. Warren to Charles Mason of May 23, 1872.

a nationwide trend among Democrats and non-Radical Republicans to build alliances against the new breed of Radicals that had gained control in Washington during the administration of U. S. Grant beginning in 1869. This new type of Radical, characterized by such men as Benjamin Butler of Massachusetts, stood less for Black rights and national unity than they did for laissez faire industrialism, governmental favoritism, and Southern exploitation. The rival bipartisan movement came to a head in 1872 when the anti-Grant Republicans called a national convention in Cincinnati and subsequently gained the endorsement of the Democratic national convention for its candidates, Horace Greeley and B. Gratz Brown. The platform of these men focussed on the long-standing Democratic objectives of full restoration of voting rights to White Southerners, coupled with a return to local self-government as opposed to national domination.¹

Although Grant soundly defeated the Greeley-Brown ticket in 1872, that election underscored the rising ill-will towards Radical Republicanism that had bipartisan, albeit sectional roots tracing back to the early post-war period. In 1868, Democrat John Pendleton of Ohio led distinctly Western voices in calling for payment of Civil War bonds with depreciated Greenbacks rather than in specie.² He was joined by many Westerners of both parties who favored both a changeable

¹Coleman, op. cit., p. 29 ff.

²Johannsen, op. cit., p. 139 ff.

currency and satisfaction of Eastern bondholders in paper rather than gold. With Grant's election in 1868, an era of corruption in American politics began which drove even such "traditional Radicals" as Charles Sumner, Charles F. Adams, and Carl Schurz into self-imposed exile from their party by 1870.¹ Mason's letter to Grimes thus merely reflected a new movement afoot in American politics that eventually heralded the re-emergence of the Democratic Party as a dominant force in national affairs.

Mason seems to have viewed the bi-partisan spirit against the Radicals of Grant's day as an opportunity to strengthen the Democracy, rather than as an invitation to form a new party. As late as 1872, he disapproved of the idea of discarding the Democratic label so as to gain more supporters.² Given his dire apprehension of a dictatorship under Grant,³ his loyalty to the party can be explained as either the product of steadfast faith in his party's ability to rebound from disaster, or blind loyalty in the face of great danger. Given his usual pragmatic approach, the former seems more likely. In any event, he sought every opportunity short of party abandonment to build alliances with Republicans on common causes. Here one of the key issues on which Mason seized after 1868 was resumption of specie payments; that is, supporting government issued

¹"Mason Papers," op. cit., Diary, November 30, 1872, vol. 49.

²"Mason Papers," op. cit., Diary, November 30, 1872, vol. 49.

³Ibid., October 18, 1868, vol. 48.

Greenbacks with gold or, later, silver, on a fixed, unchanging ratio of gold to Greenback. Mason developed his thinking in this area during the late 1860's and by late 1872, had published a pamphlet for general circulation which advertised his convictions. This pamphlet received wide circulation and earned praises from such Republicans as Salmon Chase,¹ Senator William Allison of Iowa, and Oliver P. Morton (late scourge of the Copperheads) of Indiana.² Mason reasoned in the pamphlet that an unstable currency was "one of the greatest of evils."³ On the other hand, he argued that stabilizing currency by immediate specie resumption would so magnify debts incurred on a devalued Greenback system that it would spell ruin to thousands of debtors.⁴ Instead, he continued, gradual resumption with growing value of Greenbacks tied directly to the declining value of gold as it was refined, would allow a definite resumption with "the real purchasing power of the business dollar being neitheraugmented or lessened."⁵ This policy was actively championed by Mason in 1873, after the financial collapse of that year had thrown Congress to the desperate measure of buying back government bonds, a measure

¹"Mason Papers," Letter of Salmon P. Chase to Charles Mason of March 26, 1872, vol. 24.

²"Mason Papers," op. cit. Diary entries of February 6 and 20, 1874, respectively, vol. 49.

³Ibid., June 28, 1866, vol. 47.

⁴Charles Mason, An Inquiry Relative to a Resumption of Specie Payments (Burlington: Gazette, Print, Parson's Block, 1872), p. 23; found in "Mason Papers," op. cit. vol. 54.

⁵Ibid., p. 36.

Mason regarded as certain to aggravate the problem by devaluing gold and making currency more stringent.¹ Although on this issue, Mason differed with many Westerners who favored soft, expandable currency, his defense of gradual resumption and underlying sympathy for debtors reflects his Western bias even as his support of specie resumption can be traced back to principles learned in his Jacksonian youth.

Mason had other common grounds with Republicans like Carl Schurz. Both opposed a high tariff and bristled at the corrupt carpetbagger domination of Southern politics. Such common grounds led Mason and a sizable number of other Democrats to back rabid abolitionist and anti-Democrat Horace Greeley in 1872.² Truly politics do make strange bedfellows.

1873 brought events of considerable personal significance to Mason. In March of that year, his wife of thirty-six years, Angelica Gear Mason, died after a brief but painful illness. In July, his only surviving child, Mollie, married George C. Remey, child of a Burlington family with which the Masons had long been acquainted. After the marriage, Mason joined his daughter and son-in-law on a three month tour of Europe. This, Mason's first trip abroad, evoked mixed reactions from the aging man. Traveling countries from Ireland to Italy, and Great Britain to Germany, Mason displayed his native American pragmatism by criticizing roundly the wastefulness of tying up large amounts of treasure in

¹"Mason Papers," op. cit., Diary, September 29, 1873, vol. 49.

²Ibid., August 19, 1872.

European museums, rather than usefully investing this vast potential source of capital.¹ Not given to chauvinism, however, he added that, regrettably, in the United States,

wealth (is) only worthy of being appropriated to some employment that will yield a material return...A just mean (between European extravagance and American pragmatism) would probably be better--one wherein the superfluity of production was in fair proportion applied to the gratification of a refined taste.²

A highly reasonable and civilized view, and somewhat advanced for an age when production was only beginning to be economists' great obsession.

Unable to resist the temptation of applying lessons of European history to American experience, he disparaged the great wealth disparities between European nobility and commoner, noting

I thought of the like injustice in distribution of wealth which is witnessed in my own country. We have no kings or titled nobility to grasp the wealth that they never earned, but corporations and Wall Street gamblers and governmental pets--(who) when they suddenly amass fortunes--do it at the expense of the toiling millions just as completely as is done by princes and lords and potentates ecclesiastical or temporal here.³

Thus did Mason display the same egalitarianism that he had many years earlier championed in his earliest political expressions as a contributor to the Evening Post. His Jacksonian trust in a relatively unfettered free enterprise system also came out in his subsequent observation that,

¹Ibid., October 6, 1873.

²Ibid., October 26, 1873.

³Ibid., October 14, 1873.

I am no advocate of a system by which the industrious and frugal shall be kept on an equality with the indolent or wasteful... I would only have the race course of life open equally to all instead of leaving the prizes within the reach of some while they are denied to others. If this injustice is perpetrated contrary to the law it is criminal-- if by authority of the law, the guilt is transferred from the individual to the lawmaking power.¹

Such were Mason's convictions in 1873, sounding strikingly similar when applied to the Grant administration of 1873 as they sounded when applied to the Whiggian proponents of preferential tariffs in the 1830's.

His mind never far from American political affairs, Mason addressed articles to domestic newspapers while still in Europe.² Almost immediately after returning to the United States in January, 1874, he set about to finding a suitable New York newspaper in which to air his views on specie resumption and the financial crisis which had struck the U. S. while he was abroad. Unfulfilled here, he went to Washington where he spent several months trying futilely to sell his views on gradual resumption to a sympathetic but unconvinced Congress.³ Finally, in April, he left the nation's capitol and returned to Burlington where he resumed the business activities that were to dominate the remainder of his life.

¹Ibid.,

²Ibid., November 14, 1873.

³However, one should note that in 1874 a law mandating full resumption of specie (or, technically, coin) by 1879 did pass Congress with Grant's approval (Randall, op. cit., p. 670). Unfortunately, the terms of this act were not as Mason thought best for the country.

On reaching his seventieth year in October, 1874, he was ill-prepared for the life of sedate country squire. Instead, he set about promoting various municipal improvements in his Iowa community, from a privately-financed water-works system to a narrow gauge railway. Ironically, in light of his past struggles, Mason had little interest in the election of 1874 when the Democrats finally handed the Republicans severe national reverses.¹ As far as national politics was concerned, Mason's chief interest in the mid-1870's was promotion of his plan for specie resumption. As his efforts here bogged down, his fascination with national political affairs finally began to wane.

In early 1876, Mason was back in Washington as a member of the National Resident Executive Committee. But the work interested him only little and, unlike some earlier times, he now longed to be back in Burlington.² His ambivalence about continuing to serve on the committee only partly stemmed from frustration over his specie resumption campaign. When Samuel J. Tilden won the Democratic nomination in 1876, Mason balked at giving his support to the New York reformer because of his position on national finances. Mason could discern little difference between Tilden's hard money policies and those of his Republican adversary Rutherford B. Hayes.

With the 1876 election and the secretive inter-party compromising that followed, Hayes became president and his party's reconstruction efforts came to an end. Withdrawing

¹ "Mason Papers," op. cit., Diary, October 13, 1874, vol. 49.

² Ibid. Diary entries of February 2 and March 3, 1876.

remaining troops and observing re-establishment of civil authority in all Southern states, bought the Republicans a president; but cost them, by many accounts, the final death of Radical Reconstruction. Southern "redemption" -- or reassertion of power by Southern Whites, followed and a turbulent era of American history came to an unspectacular end.

Mason, spending most of his remaining years in Burlington, was plagued by ill-health and the creeping infirmities of age. Nonetheless remaining active and alert to the end, he contributed greatly to municipal improvements in Burlington. As a final measure of his contribution to the history of his adopted state, he dictated from his death-bed two lengthy memorials describing his earliest days in Iowa for Edward Stiles who was then compiling a volume on members of the early Iowa bar.¹ When in 1882, he finally joined his wife and children in death, Mason left behind a career as turbulent as it was varied, and as bespeckled with intense feeling as will be the life of any man who attempts to guide himself by reason through the treacherous shoals of impassioned times.

¹ Edward Stiles, Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa (Des Moines; Homestead Publishing Co., 1916), p. 24.

CONCLUSION

At the outset, one may note that clearly Charles Mason's political thinking was strongly etched by his early experiences as a radical Jacksonian in New York State. Just where his initial impetus towards the democratic thought of Andy Jackson's adherents initially came from is somewhat of a mystery. Perhaps exposure to aristocratic Southerners at West Point or remembrance of his own austere origins pushed him in this direction. But whatever the cause, certain threads of Jacksonian thought were so indelibly impressed on young Mason's mind even before he came west to Iowa in 1896 that he may fairly be characterized as a Jacksonian Democrat who never lost his faith.

In reaching this conclusion, one may look to his life-long stands on hard money, free trade, and social privilege. Each of these areas constituted a center of Jacksonian agitation, and each area found Mason throughout his career taking orthodox Jacksonian stands. Thus in 1873 Mason is found campaigning vigorously for specie resumption even as he condemned paper money during the 1830's in the editorial columns of the Evening Post. In 1836 he derided protective tariffs and other government regulation as unnecessary impairment on free trade, just as he condemned patent regulation preferences for U. S. citizens in the 1850's. Later, in the 1870's, he continued to defend an unfettered marketplace where men could compete as equals with one another. As to his egalitarianism, Mason's anti-monopoly editorials in the 1830's, his In re Ralph opinion in 1839, his contribution to the uniform corporation law for Iowa of 1851, and his

active support of women's rights throughout the pre-and post-Civil War years, all evidenced Mason's belief that persons were equal in the eyes of the law and should be given an equal opportunity to advance themselves socially.

The Jacksonians were marked not only by their stands on political issues, but also by their philosophical approach to social questions. At a cross roads in the history of American intellectual development, the Jacksonians enjoyed the rationalist tradition of Jefferson, colored by the new romantic impulses that would flourish in the middle and later Nineteenth Century. Mason again fitted into the Jacksonian framework. He possessed the inquisitiveness and self-discipline of a child of the Enlightenment; yet was capable of strong emotions that sometimes threatened to overwhelm his reason. Here his deep despondency after leaving the patent office and his unceasing sorrow at the premature death of his two young daughters recall the emotional side of his character. As he grew older, this feature seemed to grow more pronounced. This emotional characteristic must be kept clearly in mind in considering Mason's activities during the Civil War period. Nonetheless, one cannot over-estimate the importance of the rationalist tradition in Mason's intellectual framework. This force underlaid his dislike of social privilege, his defense of free enterprise, and even his belief that the national tensions over slavery could be resolved by reason and compromise without recourse to force of arms. In short, Mason always reposed great confidence in the ability of men to confront and overcome their obstacles through use of

reason. One might suggest that the kind of pragmatism and materialism that emerged from this sort of rationalistic background led naturally on a nationwide basis into the laissez faire materialism of late Nineteenth Century America.

And how do the reactions of Mason engendered by the Civil War fit into this intellectual context? A simple answer would be "they don't". As the years between roughly 1848 and 1870 were times of intense sectional division and emotion, so they became a time when Mason was driven by the extremism of those around him to take extreme positions totally anomalous to what he stood for prior to and in some cases following the war. Perhaps one of the most graphic examples of this may be found in Mason's quoting of John C. Calhoun on the "tyranny of an absolute numerical majority" in 1865. Not only was Calhoun the arch-foe of Mason's venerated old political leader, General Jackson, but Mason's entire preceding public career had been devoted to a party whose watchword was, like its name, democracy--rule by the people, through a majority fairly expressed. In quoting Calhoun, Mason simply showed the extent of his own despair and frustration. Similarly, Mason's defense of the Confederacy can only be labelled anomalous. His background gave him a healthy respect for the Union, and his opposition to secession was frequently asserted early in the war. But by 1864, he was actually hoping for Confederate victory and damning Lincoln's efforts to re-forged the Union. Hardly consistent with Mason's prior career. Finally, his stand on Black emancipation and suffrage must be viewed in the overall context of wartime politics. Before the war, Mason had on numerous occasions

indicated a sympathy for underprivileged or minority groups. Again, his In re Ralph opinion and his hiring of women in the patent office provide two of the more impressive illustrations of this sympathy. Thus, his ringing condemnations of the Blacks as a servile race fit for nothing but the crudest labor, during and after the war, cannot be regarded merely as the spontaneous outburst of a racist aristocrat. They become instead the fruit of some independent set of causative factors. These factors were, in the author's opinion, the unimaginably harsh feelings stirred during the Civil War era.

But how did the war and its surrounding conditions manage to so drive Mason to such unprecedented and inconsistent extremes? Several factors must be recalled here. First, Mason was a man of strongly held principles. Accustomed from his days on the Evening Post to formulating and defending political positions on key national issues he simply could not take lightly the moral and grave ideological issues raised by the war. The right of secession, enforcement of union, and suspension of civil liberties all demanded of Mason a position which he then took and defended. And Mason's Jeffersonian-Jacksonian ideology guided him here. A second, related factor shaping Mason's development during the Civil War was his devotion to the Democratic Party. As one who had risen rapidly on the wings of Democratic success, Mason could, all other things being equal, be expected to identify with its policies. In the decade before the war, the Democratic administrations had fought for conciliation between different factions of the party that threatened to split it, and the country, wide open. Such

a politics of compromise had, especially on the slavery issue, served the Democracy quite well in national elections from the days of Jackson onward. Party members like Mason thus had no reason to think such a policy was anything less than reasonable in the days immediately preceding the war. Even were he not publicly committed to a policy of compromise by 1860, it would have been difficult for Mason to sit back and watch the Republicans decapitate and mangle the Democrats in the name of national unity after 1860. And as it was, Mason had publicly committed himself to the politics of compromise by running on a "popular sovereignty" platform with Augustus Caesar Dodge in 1859. This limited Mason's options regarding his political positions during the war even further.

Besides Mason's personal character and traditional allegiance to the Democratic Party, the Republicans' blatant partisanship and suppression of civil liberties after 1860 helped foster the intemperate positions Mason expressed during the Civil War. Wholesale arrests of old political associates like D. A. Mahony on trumped up charges of disloyalty must have galled Mason who, from his earliest days in public life, had cherished the right to dissent. As the Republican administration in Iowa denied any significant political appointments to non-Republicans, the partisan and unprincipled character of the controlling party must have seemed all the more apparent to him. When Lincoln finally issued the Emancipation Proclamation in 1863, the

war suddenly became a crusade on behalf of the self-righteous extremists who had, in Mason's opinion, been instrumental in causing the war in the first place. Then, as a coup de grace, after the war had ended, the Radical Congress proceeded to perpetuate Democratic impotence by denying rapid and lenient reconstruction to the Southern states. Taken together, this series of events could have had a dramatic effect on even a half-hearted Democrat. But when foisted on Mason, the extraordinary measures taken by the Republican dominated national government of 1860-1868 could only have driven him to extreme positions of his own.

Viewed in this context, some of Mason's conduct and at least private statements during the Civil War become more understandable. His sympathy for the South, for example, appears as the upshot of a resentment for all the Republican administration was directing--including the war effort. Similarly, Mason's estrangement from the Blacks, inconsistent though it seems with his Ralph decision and sympathy with the underprivileged, can be understood as the result of equating Black advancement with Republican partisan gains and Democratic fragmentation. Finally, in the face of wholesale suspension of civil liberties by the national Republican administration during the war, it is easy to see how Mason might have felt it was as disloyal to the Constitution to support the Republicans in their war effort as to support the Confederacy against Lincoln.

Together with all these factors, one must remember that Mason had been largely immunized from the North-South

tensions until 1853 when he went to Washington as patent commissioner. By this time the battle lines had been substantially drawn and feelings were running strong on both sides of the Mason-Dixon line. Perhaps Mason's feelings would have developed through the 1850's and 1860's as they did even if he had been close to the center of political controversy during the years preceeding 1853. But arriving as late as he did in Washington, it seems arguable that his thinking was affected by not observing the sectional dispute from the outset. Had he remained in New York during the 1830's and 1840's he may, for example, have gone the way of another formerly staunch New York Democrat, Martin Van Buren, and joined in the short-lived Free Soil Party. Arriving when he did, the mainstream Democratic organization had already aligned itself against abolitionism, and Mason, as a Democratic appointee, was naturally disposed to incline his political sentiments accordingly.

In short, much of Mason's political attitudes and activities during the Civil War era must be taken as somewhat anomalous and inconsistent with his overall political philosophy. As the war disrupted national unity, so it disrupted the usual conduct of private citizens, calling from them both extraordinary ideas and terrible sacrifices. But once the war and early phases of Reconstruction were past, Mason could again be found following the conciliatory yet clearly defined policy of cooperation with both former friends and foes alike. During this period, he resumed defense of

of some of the ideas of his earlier years. He worked with such former anti-Democratic scourges as Oliver Morton of Indiana and Salmon Chase of Ohio in promoting a program of specie resumption for which they shared sympathy. Similarly in 1872, he supported Horace Greeley, epitomy of the abolitionist Republican, against the corruption of a new form of Republican Radicalism under President Grant. His rationalism prevailed and he began again to pursue the Jacksonian objectives of his earlier career, always with a concern for the Democratic Party.

In the post-war period, the world was different from what it had been in Mason's youth. Industrialism and urbanism had become the hallmarks of American society. The free intercourse of business Mason had earlier championed on behalf of the common man, had been exploded into the laissez faire economics which to certain industrialists condoned exploitation of the many by the few. Rationalism had given way to romanticism and spiritualism, and the pioneer spirit had been displaced by a narrow materialism among too many Americans. In this society, Mason was in some ways anachronistic. Absolute free enterprise, untrammelled by government or labor unions, had become the oppressor rather than the great hope of the unpropertied classes. Since the war, individual liberties would have to survive within the presence of a sovereign national government or not survive at all. And the limitations of an inflexible specie currency were already becoming apparent. At the same time, some of

Mason's ideas were still very contemporary. His support of women's rights was becoming a more widely accepted--and violently controverted--premise than ever before. His long-standing encouragement of American inventors was being vindicated by the impetus given American technology and civilization by a creative inventing public. Meanwhile, his early advocacy of government control of industries susceptible only of monopolistic control was still a lesson future generations of Americans would have to debate and learn.

Mason was a fascinating man--a bridge between disparate periods of American history whose principles transacted the time gaps and established an intellectual connection between the individualism of the Jacksonian era and the "rugged individualism" of the Gilded Age. A versatile and rational man, Mason's long public career of relatively consistent principles was seriously interrupted only by the same tragic event that also for a brief, terrible time disrupted the nation's existence as the united states.

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